ADEQUACY OF VA STANDARDS AND PROCEDURES WITH RESPECT TO FUNERAL AND BURIAL SERVICES

JOINT HEARING

BEFORE THE

SUBCOMMITTEE ON
OVERSIGHT AND INVESTIGATIONS

OF THE

COMMITTEE ON
VETERANS' AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON
VETERANS' AFFAIRS
U.S. SENATE

NINETY-EIGHTH CONGRESS

FIRST SESSION

NOVEMBER 16, 1983

Printed for the use of the Committee on Veterans' Affairs

HOUSE COMMITTEE ON VETERANS' AFFAIRS

Serial No. 98-36

U.S. GOVERNMENT PRINTING OFFICE
29-881 O WASHINGTON : 1984

S761-3
H761-10

COMMITTEE ON VETERANS' AFFAIRS

U.S. HOUSE OF REPRESENTATIVES

G. V. (SONNY) MONTGOMERY, Mississippi, *Chairman*

DON EDWARDS, California
BOB EDGAR, Pennsylvania
SAM B. HALL, Jr., Texas
DOUGLAS APPLEGATE, Ohio
MARVIN LEATH, Texas
RICHARD C. SHELBY, Alabama
DAN MICA, Florida
THOMAS A. DASCHLE, South Dakota
WAYNE DOWDY, Mississippi
MATTHEW G. MARTINEZ, California
LANE EVANS, Illinois
MARCY KAPTUR, Ohio
FRANK HARRISON, Pennsylvania
ALAN B. MOLLOHAN, West Virginia
TIMOTHY J. PENNY, Minnesota
HARLEY O. STAGGERS, Jr., West Virginia
J. ROY ROWLAND, Georgia
JIM SLATTERY, Kansas
JOHN BRYANT, Texas
BILL RICHARDSON, New Mexico

JOHN PAUL HAMMERSCHMIDT, Arkansas
CHALMERS P. WYLIE, Ohio
ELWOOD HILLIS, Indiana
GERALD B. H. SOLOMON, New York
BOB McEWEN, Ohio
CHRISTOPHER H. SMITH, New Jersey
DENNY SMITH, Oregon
PHIL GRAMM, Texas
DAN BURTON, Indiana
DON SUNDQUIST, Tennessee
MICHAEL BILIRAKIS, Florida
NANCY LEE JOHNSON, Connecticut

Mack Fleming, *Chief Counsel and Staff Director*

Subcommittee on Oversight and Investigations

G. V. (SONNY) MONTGOMERY, Mississippi, *Chairman*

DON EDWARDS, California
SAM B. HALL, Jr., Texas
TIMOTHY J. PENNY, Minnesota
HARLEY O. STAGGERS, Jr., West Virginia
J. ROY ROWLAND, Georgia
LANE EVANS, Illinois

ELWOOD HILLIS, Indiana
GERALD B. H. SOLOMON, New York
DAN BURTON, Indiana
DAN SUNDQUIST, Tennessee
NANCY LEE JOHNSON, Connecticut

COMMITTEE ON VETERANS' AFFAIRS

U.S. SENATE

ALAN K. SIMPSON, Wyoming, *Chairman*

STROM THURMOND, South Carolina
ROBERT T. STAFFORD, Vermont
FRANK H. MURKOWSKI, Alaska
ARLEN SPECTER, Pennsylvania
JEREMIAH DENTON, Alabama
RUDY BOSCHWITZ, Minnesota

ALAN CRANSTON, California
JENNINGS RANDOLPH, West Virginia
SPARK M. MATSUNAGA, Hawaii
DENNIS DeCONCINI, Arizona
GEORGE J. MITCHELL, Maine

CONTENTS

NOVEMBER 16, 1983

Page

Adequacy of VA Standards and Procedures with Respect to Funeral and Burial Services 1

OPENING STATEMENTS

Chairman G. V. (Sonny) Montgomery 1

  Prepared statement of Chairman Montgomery 39

Simpson, Hon. Alan K., chairman, Senate Committee on Veterans' Affairs 5

Hon. Elwood Hillis 2

Hon. Richard C. Shelby 3

WITNESSES

Gorman, David W., associate deputy national legislative director, Disabled American Veterans 32

  Prepared statement of Mr. Gorman 74

Lyngh, Robert E., director, National Veterans Affairs and Rehabilitation Commission, the American Legion 29

  Prepared statement of Mr. Lyngh 63

Magill, James N., special assistant, national legislative service, Veterans of Foreign Wars 34

  Prepared statement of Mr. Magill 80

Moran, Bob, associate legislative director, Paralyzed Veterans of America 34

  Prepared statement of Mr. Moran 83

Pryor, Hon. David, a U.S. Senator from the State of Arkansas 4

  Prepared statement of Senator Pryor 40

Quandt, Marjorie R., Assistant Chief Medical Director of Administration, Veterans' Administration, accompanied by Paul T. Bannai, Chief Memorial Affairs Director; Clyde Cook, Director, Office of Procurement and Supply; and John P. Murphy, General Counsel 8

  Prepared statement of Ms. Quandt 45

Warner, Hon. John W., a U.S. Senator from the State of Virginia 16

  Prepared statement of Senator Warner 58

Woosley, Noel C., national service director, AMVETS 28

  Prepared statement of Mr. Woosley 61

Zoldan, Joseph, national commander, Jewish War Veterans of the United States 33

  Prepared statement of Mr. Zoldan 78

MATERIAL SUBMITTED FOR THE RECORD

Statements:

  Alarid, Jake, national chairman, the American GI Forum of the United States 87

  Bilirakis, Hon. Michael, a Representative in Congress from the State of Florida 19

  Cranston, Senator Alan, ranking minority member, Senate Committee on Veterans' Affairs 86

  Thurmond, Senator Strom, a U.S. Senator from the State of South Carolina 85

  Murkowski, Senator Frank, a U.S. Senator from the State of Alaska 35

ADEQUACY OF VA STANDARDS AND PROCEDURES WITH RESPECT TO FUNERAL AND BURIAL SERVICES

WEDNESDAY, NOVEMBER 16, 1983

House of Representatives,
Subcommittee on Oversight and Investigations,
Committee on Veterans' Affairs, and the
Senate Committee on Veterans' Affairs,
Washington, D.C.

The subcommittee and Senate committee met, pursuant to notice, at 8:30 a.m., in room 334, Cannon House Office Building, Hon. G. V. (Sonny) Montgomery (chairman of the subcommittee) presiding.

Present: Representatives Montgomery, Shelby, Evans, Mollohan, Penny, Staggers, Rowland, Richardson, Hillis, Bilirakis, and Senator Alan Simpson, chairman, Senate Committee on Veterans' Affairs.

OPENING STATEMENT OF HON. G. V. (SONNY) MONTGOMERY, CHAIRMAN, HOUSE COMMITTEE ON VETERANS' AFFAIRS

Mr. Montgomery. Good morning. We want to continue our practice of starting our subcommittee and full committee hearings on time. This morning we are conducting a joint hearing with the Senate Committee on Veterans' Affairs. When Chairman Alan Simpson arrives, he will be recognized for his opening comments.

The purpose of today's hearing is to review the adequacy of the VA standards and procedures with respect to the funeral and burial services provided for veterans whose remains are unclaimed at VA medical centers. This is the first hearing ever conducted on this subject. We believe it is a matter that should have some attention, and we appreciate very much having the Senate participate in these hearings.

As you know, the adequacy of VA burial standards was questioned recently when newspapers reported that a Navy veteran had been buried at Quantico National Cemetery in a container described as a cardboard box. Veterans organizations, the Veterans' Administration, and the House and Senate Veterans' Affairs Committees were very disturbed by these allegations and have attempted to determine the facts of the case. The Veterans' Administration responded by reviewing its standards for burial of unclaimed bodies and has issued new regulations.

Today's hearing was scheduled in order that we all may learn more about the procedures used by the VA when a veteran dies and there is no next of kin to claim the body. Let me close by saying we are anxious to hear the testimony of the VA and our other witnesses.[1]

We have Senator David Pryor of Arkansas at the witness table. I will recognize him in just a minute. In addition we have Senator John Warner, who will be here at 9 o'clock, as I understand it. And also we have witnesses from both the VA and from the different veterans organizations.

The Chair would like to recognize Mr. Bud Hillis at this time for any comments he would like to make.

Mr. HILLIS. Thank you, Mr. Chairman. I have a brief opening statement.

Mr. MONTGOMERY. All right.

OPENING STATEMENT OF HON. ELWOOD HILLIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF INDIANA

Mr. HILLIS. Our hearing this morning will allow us to hear about Veterans' Administration procedures with respect to veterans who die in VA hospitals and whose bodies are unclaimed. It goes without saying, Mr. Chairman, that our Nation demands that burials of these veterans in our national cemeteries must have the very essence of dignity associated with them. It is also required that preparation for those burials be completely proper and in strict accordance with Federal and State rules and regulations. Even the slightest deviation from that dignity or those rules will simply not be, and ought not to be, tolerated by the American people.

Since Veterans' Administration took over the national cemetery system from the U.S. Army in 1973, some 350,000 burials have taken place in it. With few exceptions, we can all be pleased at the manner in which these burials have been conducted. But Mr. Chairman, even one exception quite naturally outrages our citizens, just as the recent incident at Quantico, Va., outraged Mr. Harry Walters, Administrator of Veterans' Affairs. It is to Mr. Walters' credit that he quickly moved to tighten procedures to hopefully prevent a recurrence of that kind of situation. I congratulate him for his efforts in that regard.

Mr. Chairman, the veteran involved in the Quantico matter was 1 of about 470 such veterans who die in VA hospitals each year, who are indigent and have no known next of kin and no individual has been designated to arrange for their burials. Such burials are arranged by hospital personnel working with funeral directors who are paid a stipulated sum for their services. For that sum these undertakers agree to certain specific conditions, which include necessary preparation of the bodies including embalming, casketing, and dressing the veterans.

The VA has inspection rules to assure compliance with the stipulated conditions. However, it is apparent that the procedures need to be tightened up. I am sure our witnesses this morning will tell us what already has been done and what needs to be done in this regard. I hope that if any new legislation is needed it will be recommended to us.

---

[1] The prepared statement of Chairman Montgomery appears on p. 39.

Mr. Chairman, I appreciate the fact that you have scheduled this hearing, and I am sure the testimony this morning will be very helpful.

Thank you.

Mr. MONTGOMERY. Thank you, Mr. Hillis.

The Chair would like to recognize the chairman of our Subcommittee on Housing and Memorial Affairs, Mr. Shelby of Alabama.

STATEMENT OF HON. RICHARD C. SHELBY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALABAMA

Mr. SHELBY. Thank you, Mr. Chairman. I want to take just a minute to commend both you, Mr. Chairman, as the chairman of the full Committee on Veterans' Affairs, and also the chairman of the Senate Veterans' Affairs Committee, Alan Simpson, for holding this joint hearing on the adequacy of the burial and funeral standards set by the VA for the unclaimed remains of veterans who die at VA facilities in the United States.

I, too, along with everybody on the committee was very much dismayed to receive reports that a U.S. Navy veteran had been buried in a cardboard casket at the Quantico National Cemetery in Virginia, and it pleases me to know Seaman Reynolds has subsequently been reinterred with military honors in an appropriate military casket. Although it is reported this was an isolated incident, the Veterans' Administration has tightened its rules to see that this does not occur in the future.

The number of unclaimed bodies in the Nation is small, less than 500 a year. However, it is expected that this will increase commensurate with the rise in deaths of World War II veterans, and it is important that we hold this hearing. I believe that every veteran who honorably serves this country has the right to be buried with dignity. Should remedial legislation be necessary to accomplish this in the future, I wish to assure both chairmen that I will do my utmost in my capacity as chairman of the Housing and Memorial Affairs Subcommittee to assist in this regard.

I would also at this time urge the Veterans' Administration to closely monitor the implementation of these new regulations that they have brought forth for uniformity in application as the subcommittee is planning to hold a followup hearing next year to see how the overall program is working. I think that is the least we can do for the veterans in this country. I believe basic dignity calls for this hearing.

Mr. MONTGOMERY. Thank you, Mr. Chairman. This responsibility does come under your subcommittee.

Our first witness this morning is a good friend of ours, Senator David Pryor of Arkansas. David, Congressman Hammerschmidt and I came to the House of Representatives in the 90th Congress. David Pryor was the president of the 90th Congress class, one of the best classes I guess that has ever come up on the Hill. David went back to be Governor of the State, and now is back as a U.S. Senator.

I am sure our colleague, Mr. Hammerschmidt, will be here in a few minutes. We would like you to proceed. I appreciate your being on the House side this morning, David.

STATEMENT OF HON. DAVID PRYOR, A U.S. SENATOR FROM THE STATE OF ARKANSAS

Senator PRYOR. Thank you, Mr. Chairman. And thank you for letting me come this morning. It is a pleasure to be with you and my friends and colleagues this morning.

Mr. Chairman, I have a short statement. I think I will summarize that statement and then ask permission that the full body of that statement be entered into the record.

Mr. MONTGOMERY. Without objection, so ordered.[1]

Senator PRYOR. Like all of us I was very shocked and dismayed when I read in the Washington Post on October 17 that a veteran of the U.S. Navy had been buried in a cardboard casket at Quantico National Cemetery. I found this very appalling, and I am sure every Member of the Congress did. I am sure that every citizen who read the story found it appalling that this could happen to deceased veterans who leave no money or resources for burial expenses.

Shortly after this, I wrote the Administrator of the Veterans' Administration expressing my intention to introduce legislation to provide $1 million to meet this need. During Senate consideration of the supplemental appropriations bill, I did introduce, together with Senator John Warner of Virginia, an amendment to provide financial assistance to any program carried out by a State to assure an honorable burial for each veteran who is buried in that State and, who during the year ending on the date of the veteran's death, received less than $10,000 in income of any kind.

Mr. Chairman, the distribution formula that I proposed in that amendment, with Senator Warner would be based on the veteran population in each State, and the program would be administered by the States in whatever capacity serves veterans and their interests. I pointed out that Arkansas has, and I think all States have, a fine and sensitive department of veterans' affairs that could assume responsibility for the project. Most of the States maintain operations which would be fully equipped to administer the program.

Following Senate debate on our proposal, Senator Warner and I withdrew our amendment based on the excellent proposal by the chairman of the Senate Veterans' Affairs Committee, Senator Simpson of Wyoming, that this issue first be considered in these hearings, and his assurance that regulations and procedures had been established to make sure that such incidents would not occur again before Congress could take action on this issue.

I have also received a response from Harry Walters, Administrator of the Veterans' Administration, notifying me of new specifications governing contracts with local funeral directors for the purchase of caskets and burial of indigent veterans.

Mr. Chairman, the group of veterans at least 65 years of age, presently numbering around 4 million, will grow to nearly 9 million by 1999. That is a fact that all of us know. Additionally, 60 percent of all veterans served by VA hospitals make less than $10,000 a year. There are a lot of poor and elderly veterans in this country and, sadly, many who will be unable to pay for their own funerals.

---

[1] See p. 40.

I believe that Congress must be responsive to the problem. I believe we must make sure that no veteran in the future need fear that lack of personal funds will mean that an honorable burial will be unavailable.

Mr. Chairman, finally I would just like to state that I have no pride of authorship nor do I think the only way to monitor or administer this particular program would be through the State veterans offices. That is only one approach. I can certainly assure you, Mr. Chairman, and also my good friend and colleague, Senator Simpson, who is now with us, that I would be very glad to work with you and all concerned, with all of the veterans organizations in any way to develop some program or monitoring device so we may preclude this from happening ever again.

Finally, Mr. Chairman, I would think at this point in the record it might be good if we would, insert the letter from Mr. Harry Walters, dated November 7, addressed to me. I think, Mr. Chairman, if it has not been put in the record, it should be at this point. And I think it is probably a letter that went to most Members of Congress.

Mr. MONTGOMERY. Without objection, the letter will be included in the testimony.[1]

Senator PRYOR. In conclusion, I would like to call the attention of the committee and my colleagues to the efforts of Mr. John E. Sullivan, who is district commander of the Veterans of Foreign Wars in Northern Virginia, who has really taken this case on and, has gone above and beyond the call of duty in finding the actual facts that related to the burial of this particular individual, Mr. Albert Reynolds.

Mr. Chairman, Mr. Sullivan alleges, and he has an affidavit to support his claim, that Mr. Reynolds was not only buried in a cardboard casket but also was buried nude, that he had no clothes on at the time he was actually buried. And so I would like to salute Mr. Sullivan today and to express how much we appreciate what he has done in bringing this matter to our attention so that situations like this will not occur in the future.

Mr. MONTGOMERY. Thank you very much. Dave, maybe you can stay around 2 or 3 more minutes.

Senator PRYOR. Certainly.

Mr. MONTGOMERY. I would like to recognize Senator Simpson for his comments as chairman of the Senate Veterans Affairs' Committee. I certainly enjoy working with Alan Simpson. It has been a pleasure. We do the best we can for veterans.

Senator Simpson.

STATEMENT OF HON. ALAN K. SIMPSON, CHAIRMAN, SENATE COMMITTEE ON VETERANS' AFFAIRS

Senator SIMPSON. Good morning, Mr. Chairman.

---

[1] See p. 43.

Thank you, Sonny. I greatly enjoy my association with the chairman of the House Veterans' Affairs Committee, an extraordinary person. One I have come to enjoy and respect very, very much, and that is indeed my privilege. And to John Paul Hammerschmidt, too, the ranking member.

I don't have much to add here, Mr. Chairman, as we participate. I do thank you for arranging this so the Senate Veterans' Affairs Committee could meet with you at this time to share your meeting. This is an amendment which was presented by my good friend Dave Pryor—he and I came here together—Senator Warner, fine friends, and I enjoy working with them.

Of course I am sure I needn't go into the details. A tragic circumstance. Some outrage was immediately expressed. High emotion was evident. The VA then did immediately do some things. They were very responsive. You, sir, then scheduled this hearing to show that response. I sincerely feel that most persons feel that this incident has been an isolated one. I don't think anyone believes that this is a consistent thing that occurs.

I am aware that the funeral home responsible for the cardboard casket has been removed from the VA list of approved funeral directors. The importance of a sensitively administered, well-oriented, well-operated, closely monitored program can never be overemphasized. So here we are today to address our concerns.

I want to commend the VA Administrator, Harry Walters, for what he has done. Very swift and decisive response to this matter, tightening up the standards that did seem to need some specific language. I think it is of absolutely utmost importance that every veteran be assured a dignified burial.

And yet, I also feel we must proceed carefully. Here we must also retain the dignity of the interment of the veteran, and that we will do. We have never failed that. But we should not merely add expense to support that interment without carefully considering that the results of such well-meaning action may end in diverting benefits, and especially perhaps to possible unscrupulous persons, even though that profession is indeed a very respectable one in our society. And I am sure they have significant efforts, and self-policing will be highly generated by this.

I will just share with you that I happen to be an Episcopalian. Our church does not believe that outward trappings of worth are appropriate in death. Place a pall or cloak over the casket, often plain pine, a welfare casket or sealed bronze with silver handles, it makes no difference what it is; that is, for the purpose of the dignity of death. The Biblical pronouncement seems a little bit apropo to me: ashes to ashes and dust to dust.

Cremation requires a pall, no embalmment, minimum containment, all with dignity. The Jewish burial practice will be testified to here today where they do not require but a shroud and embalmment only to the degree dictated by law. I just wanted to share those things.

Although we are here in an oversight capacity, I have no conflict with the intent of both of my colleagues. Their motives are beyond reproach. However, I do feel that they neglected to address their serious and very conscientious concerns to the committee before offering the amendment. That is not a turf protector announcement.

I have got plenty to do around here without gathering unto myself more. But I believe the VA acted swiftly and responsibly to this matter administratively.

In addition, the amendment would have provided money to the States without any existing mechanism to allow for such a program in coordination with the Veterans' Administration. Its implementation would, I fear, have an expensive bureaucratic nightmare provided to us instead of the exceedingly humanitarian solution that was intended by its able sponsors. I look forward to the hearing, Mr. Chairman, and the testimony, and I thank you very much.

Mr. MONTGOMERY. Thank you, Mr. Chairman.

I have one or two questions to ask our witness.

Dave, as I understand it, you and Senator Warner have introduced this legislation. Would you briefly explain exactly what it does?

Senator PRYOR. Basically we introduced, Mr. Chairman, an amendment to the supplemental appropriations bill which would have added $1 million to be distributed to the States based upon a formula of the veterans population in those respective States. It would not be an expensive program, nor do I think it would be a bureaucratic system that would hinder the efficient operation of that program. These dollars would then go to the respective State veterans offices in the State capitals. And they would basically monitor and make certain——

Mr. MONTGOMERY. The State veterans office, not the VA regional office?

Senator PRYOR. The State veterans office. The reason Senator Warner and I took this approach was, time being of the essence, we understood that no other meetings of the Senate Veterans' Affairs Committee would be held, Senator Simpson was very, very courteous in informing us on the floor of the Senate during that debate that a hearing on this matter would be held. And subsequent to that debate, only 1 day later, we received a letter from Senator Simpson, the chairman of our committee, stating that there would be a joint hearing with the House on this issue.

We were very appreciative of that very quick response. We withdrew the amendment. So there is no real amendment or legislation, that is pending on the Senate side. Once again, and I stated this before Chairman Simpson arrived, we have no pride of authorship. There may be another approach to the matter. All we are trying to do is to immediately shore up what at that moment appeared to be a real vacuum or void in the procedure for burials for veterans without financial resources.

So I look forward to working with your committee, Mr. Chairman, and with our committee on the other side, and also with all of the organizations who have maybe a better idea or a better approach to the matter. Having come from a Governor's office, I saw the role the State offices play, and I thought that was the appropriate place to immediately shore up this whole situation.

I am very appreciative of both of you, Mr. Montgomery and Senator Simpson, for calling this hearing and allowing me to participate. I know Senator Warner will want to add to it when he arrives. And I would like to say, Mr. Chairman, that looking here at our Members today and just thinking a little bit, when we came to the Congress in 1967 in that class was then a young man from Texas named George Bush, and quite a few other interesting and very fine individuals were there. But I don't think we looked as young as the group today looks in the House of Representatives. I am just proud to be back over here, Mr. Chairman.

Mr. **Montgomery**. Thank you, Dave. Certainly, I am proud and happy that you would come over and testify this morning. As I understand it, you have withdrawn the amendment.

Senator **Pryor**. That is correct.

Mr. **Montgomery**. Any other questions?

Senator **Pryor**. I can say that we might try something else if nothing is done, let me say that. We are not going to allow this to happen again.

Mr. **Montgomery**. The Chair recognizes the other chairman.

Senator **Simpson**. Mr. Chairman, that is the Dave Pryor I know. I have often said to him, having served as he has as a Governor, a Congressman, and a U.S. Senator, he must have run for his first office at about 16.

Mr. **Montgomery**. They are looking younger.

I want you to know how many Democrats have shown up on this side of the aisle this morning.

Senator **Pryor**. My good friend, Mr. Hammerschmidt, was also in that class of 1967 and I know of his dedication in this matter and his concern about doing something in this matter.

Mr. **Montgomery**. Thank you, David, for being here.

We will now have our next panel from the Veterans' Administration come forward. Ms. Marjorie Quandt is the principal witness. She can introduce those individuals with her. We are very glad to have Ms. Quandt with us. We also welcome the other witnesses from the Veterans' Administration, such as Mr. Murphy, the VA General Counsel, who testifies before us quite often.

STATEMENT OF MARJORIE R. QUANDT, ASSISTANT CHIEF MEDICAL DIRECTOR FOR ADMINISTRATION, VETERANS' ADMINISTRATION, ACCOMPANIED BY PAUL T. BANNAI, CHIEF MEMORIAL AFFAIRS DIRECTOR; CLYDE COOK, DIRECTOR, OFFICE OF PROCUREMENT AND SUPPLY; AND JOHN P. MURPHY, GENERAL COUNSEL

Ms. **Quandt**. Thank you, Mr. Chairman.

Mr. **Montgomery**. You may proceed.

Ms. **Quandt**. Mr. Chairman and members of the committees, I am here today to discuss VA policy on the burial of veterans who die in VA medical centers, specifically those times when no family or friend can be found to accept the responsibility for funeral and burial arrangements. I am accompanied by Mr. Paul T. Bannai, Chief Memorial Affairs Director; Mr. Clyde Cook, Director, Office of Procurement and Supply; and Mr. John P. Murphy, the General Counsel.

With your permission, Mr. Chairman, I will summarize my prepared testimony and request that the full testimony be placed in the record.

Mr. **Montgomery**. Without objection, so ordered.[1]

Ms. **Quandt**. This hearing was brought about by concerns of the committees and the Veterans' Administration over an appalling incident at the Quantico, Va., National Cemetery, where, on September 12, 1983, the remains of Mr. Albert W. Reynolds, a World War II veteran, were interred. Several reports alleged that the veteran's body was delivered to the cemetery for burial in a casket made of cardboard. Mr. Chairman, I am deeply sorry to report to you that we have confirmed that allegation. At the request of a local Veterans of Foreign Wars post, the superintendent at Quantico supervised the disinterment of the veteran's body on November 9. Not only was the original allegation confirmed, but also we discovered that the body was not embalmed and not clothed, and no flag draped the casket. After appropriate arrangements by the VFW post, Mr. Reynolds' body was reinterred at Quantico in a more honorable and dignified manner on November 10.

Before discussing our findings and recommendations, I want to convey to the committees a personal assurance from the Administrator of Veterans' Affairs, the Chief Medical Director, and from all VA staff—particularly those of us who are responsible for administering these services—that we believe in an honorable and dignified burial for all those who served their country; most especially, we are committed to assure honorable and dignified burials for those who die without friends or relatives and for whom we must make the funeral arrangements.

We believe the vast majority of VA employees, the funeral home industry, the funeral directors' profession, and cemeteries throughout the United States carry out their several responsibilities for veterans' burials with sensitivity, dignity, empathy, and great care.

The facts of the Quantico incident are as follows: The veteran, who served honorably in World War II, was admitted to the VA medical center here in Washington for the treatment of a pervasive cancer of his neck and mouth. During the early morning hours of September 7, 1983, Mr. Reynolds died from the end stages of this disease. From his records we knew of a son and a sister, but in our efforts to contact the sister we discovered she had predeceased Mr. Reynolds and we could not locate the son. The name of a friend also was mentioned in his record, but our efforts at contact proved futile. On September 9, a medical center staff member went personally to the veteran's residence to make inquiry which might lead us to a family member, or some other responsible person, but this, too, proved unsuccessful.

Medical center staff arranged for a local funeral director to prepare the veteran's remains for burial and transport the body to Quantico. In the case of this veteran, I regret to inform the committees that we did not inspect the services provided. We cannot and will not attempt to excuse ourselves from our responsibilities. We failed to insure that proper care be taken of the veteran's remains by the funeral director with whom we had contracted.

A funeral home employee delivered the remains to Quantico on September 12. The container was rectangular in shape with a one-piece lid and had to be opened in order to determine which end was the head of the casket. As I mentioned earlier, there was no flag. As the casket was ready to be removed from the hearse, a VA gravesite employee questioned its adequacy and alerted the cemetery foreman and the Quantico National Cemetery superintendent, Mr. Joe D. Willard. Mr. Willard, having inspected the casket, called the VAMC and conferred with the decedent affairs officer and the purchasing agent. Mr. Willard was advised that, as there were no minimum standards in effect, VA had no choice but to accept the casket. Mr. Willard then directed the employees to proceed with the veteran's interment.

---

[1] See p. 45.

Looking back, it is regrettable that no recommendation to require minimum standards was made at that time. On the other hand, we have every reason to believe that this was an isolated incident.

On October 13, Administrator Walters convened a panel headed by Mr. Bannai to investigate further and make recommendations to insure against repetition. As a result all VA medical centers were informed when purchasing caskets for the burial of veterans such caskets shall, as a minimum, be constructed from thick, strong particle board and must be of sufficient strength to support the weight of an adult human body. Cardboard or pressed paper or similar materials are not acceptable.

Mr. Chairman, in these cases we follow procedures outlined in the Code of Federal Regulations. If the body is unclaimed, the Chief, Medical Administration Service is to notify the Chief, Supply Service. The contracting officer is to negotiate an agreement with a local funeral director to provide a complete funeral and burial within the $300 statutory limit. As a matter of administrative necessity, the VAMC director may authorize additional funds if it appears the statutory allowance is insufficient. As set forth in section 804.5102(b), this must include preparation of the body, embalming, clothing, casket, and necessary permits. An additional amount is allowed for transportation and necessary shipping cost. Burial is made in the closest national cemetery with space available.

As a matter of administrative necessity VA also arranges for the funerals and burials of persons who die in VA facilities but who are not legally entitled to VA care, when no one steps forward to claim the remains and State or local officials decline responsibility. In such cases, interment at a national cemetery is provided, if the individual is an eligible veteran. If not, other arrangements are made by the funeral director. These procedures necessarily require coordination between the Department of Medicine and Surgery, the Office of Procurement and Supply, and Memorial Affairs.

While each of the services has a role to play, DM&S is primarily responsible for certifying the adequacy of the funeral home's work. In our policies and procedures manual, we specify that the Chief, Medical Administration, is responsible for inspecting the mortuary services and any merchandise provided by the funeral home.

No in-person inspection was carried out in the case of this veteran. To prevent any similar failure, the CMD has notified the VAMC directors in each of our VA medical centers, of the importance of assuring an in-person inspection in accord with policy.

Mr. Chairman, DM&S is also responsible for assuring that a U.S. flag is furnished to drape the casket of the deceased veteran who dies in a VA facility, by applying for the flag and by assuring its presence on the casket. In addition, our policy manual requires the funeral director to sign a receipt for the flag. Our records indicate a flag application in this veteran's case and the funeral director's receipt. We cannot account for the fact the flag did not accompany the casket to Quantico. The CMD has notified the VAMC directors that a proper inspection includes inspection of the flag.

Also, directives have been issued to all national cemetery superintendents and medical center directors to re-emphasize our various responsibilities in contract burials. We intend by our actions to prevent a recurrence of this sort of unfortunate incident. We request those documents be added to the record.[1]

Mr. Chairman, in a letter to the Commander-in-Chief of the Veterans of Foreign Wars, Mr. Walters emphasized that this was an appalling but isolated incident. We have appended a copy of that letter for the committees' information.

Our review has disclosed no information suggesting the likelihood of repetition. I observe also that we do not regard the current $300 limitation as in any way responsible for this unfortunate incident. Nevertheless, we are reviewing our regulations and policies and will recommend clarifications, if necessary, to safeguard against repetition.

Mr. Chairman, I trust my remarks have provided you some useful information about these matters. If you have additional questions, my associates and I will endeavor to address them. Thank you.

Mr. MONTGOMERY. Thank you.

Mr. Chairman, do you have any questions?

I think what the Chair will do is recognize any member that would like now to ask questions. We do have another panel. The Chair would like to recognize Mr. Shelby.

Mr. SHELBY. Thank you, Mr. Chairman.

I have a couple of questions. Would you describe the review you conducted which disclosed that the Reynolds case was probably an isolated incident? We hope it was an isolated incident, as far as the burial.

Ms. QUANDT. Mr. Shelby——

Mr. SHELBY. In other words, what would lead you to believe, or lead us to believe it was an isolated incident as opposed to maybe this occurring previously? Do you have any information in that regard?

Ms. QUANDT. I believe, Mr. Shelby, part of that answer will have to be provided for the record. We did send a telegram——

Mr. SHELBY. Will you furnish this for the joint committee and the members?

Ms. QUANDT. Yes; we will.

[Subsequently, the Veterans' Administration furnished the following information:]

As a result of our concern about whether this type incident could be more widespread, we surveyed all medical centers asking more detailed questions about the 432 contract burials.

The following information was reported by the facilitites:

---

[1] See p. 54.

Nineteen (19) burials were made outside the V's National Cemetery System.—Reasons given: No grave spaces available; questionable eligibility; family plot available; plot donated; national cemetery outside State (Maine); body cremated.

One hundred fifteen (115) burials were made without attendance by a VA (or VA-contracted) chaplain.—Reasons given: Religious services furnished by funeral director; Burial site too distant from VA medical center; Local minister provided services; No request made for VA chaplain services; No official policy requires VA chaplain attendance.

Sixty-six (66) contract funerals were not inspected administratively to assure all necessary services were provided.—Reasons given: Unaware of requirement; time between preparation and shipment insufficient; personnel unavailable to inspect; administrative oversight; funeral director considered highly reputable.

While these survey results revealed problems associated with contract burials, they nevertheless demonstrated that, for the 432 cases in the past year, 96 percent were buried in VA national cemeteries; 73 percent were attended by a VA (or VA-contracted chaplain); and 85 percent were inspected administratively to assure that services and merchandise were appropriate.

As the Committees are aware, both before and after this survey specific instructions were sent to all facilities to strengthen our policies and practices with respect to contract burial cases. As a result of the heightened awareness, we are confident there will be no recurrence of the appalling incident which brought on the interest of the Committees.

As a specific answer to Mr. Shelby's question, the Agency cannot categorically deny the possibility that an inappropriate burial has occurred previously. However, the various measures we have taken since the Reynolds case came to our attention will prevent any such incident in the future.

Mr. SHELBY. Fine.

Ms. QUANDT. We did send a telegram to the field facilities in an attempt to determine if there had been problems. Some of that information is available at this time.

Mr. SHELBY. Does the VA have any inspection mechanism with the funeral homes or funeral directors across the country to check the quality of VA paid service?

Ms. QUANDT. I would like to ask Mr. Murphy to respond to that.

Mr. MURPHY. Mr. Shelby, in the past we have, in essence, relied on the licensing boards of the various States and other jurisdictions. That process in light of these events is being reviewed inside the VA. We are looking into it, if we should go further into looking at the qualifications of a funeral director or funeral home.

Mr. SHELBY. Wouldn't it make sense that the Veterans' Administration, which has the responsibility mandated through the Congress to assure that all veterans be buried with dignity and some honor, have some kind of oversight mechanism to prevent the type of shoddy incident which occurred at Quantico?

The fact that this veteran was buried like he was, with not even an American flag, is upsetting many people in this country—especially veterans' groups, some of which will testify later.

Mr. MURPHY. Mr. Shelby, we totally agree with your comments that we have an obligation. I think it is an obligation beyond just legal, statutory obligation imposed by Congress. It falls in the category of a moral obligation to insure that veterans are buried with dignity and respect. In our existing manual procedures we have an inspection process in these types of cases. In this case that inspection did not occur. And that is one of the, I think, fundamental problems or causes of this appalling incident.

Mr. SHELBY. Are many funeral homes or funeral directors using cardboard caskets? Is the profit motive so much that they want to use the minimum?

Mr. MURPHY. Let me answer beginning with a caveat. I will tell you what information my office has been able to glean, with the caveat that I don't think I can really reflect honestly the custom or standard of practice in the profession of funeral directors themselves. But what we have been advised at this point in checking with some of the associations and that type of organization is that a cardboard container is not within what are considered acceptable professional standards in that profession.

So that the information that I presently have is that on the whole, the funeral industry and funeral directors would not countenance this type of container.

Mr. SHELBY. Mr. Murphy, how much money is spent by the Veterans' Administration toward the burial allowance of the various veterans who die in this country each year? Is it in the millions?

Mr. MURPHY. The information I have on that, Mr. Shelby, is $115,336,000.

Mr. SHELBY. VA spends $115 million a year more or less and you don't have any in-house monitoring of how this takes place. That is a lot of money.

Mr. MURPHY. Well, Mr. Shelby, we do spend a very large sum of money. I don't quite agree that we don't have any in-house monitoring. We do have in-house monitoring. It failed in this instance.

Mr. SHELBY. What type of in-house monitoring do you have?

Mr. MURPHY. In a case like this, with a veteran who passes away without family or relatives in a VA facility, our manual provides that the Medical Administration Service at the hospital is to inspect the remains of the deceased prior to burial. And further, our procurement regulations provide that in the contract situation such as occurred here, there is to be a casket, embalming when appropriate, the procurement of the necessary permit and clothing. In addition, by statute, as you mentioned, we provide flags. And these individuals are eligible for burial in the national cemetery system.

Ms. QUANDT. Mr. Shelby, if I may.

Mr. SHELBY. Yes.

Ms. QUANDT. I would not want you to think that $115 million is spent for veterans who die in VA medical facilities. That large sum really relates more to those benefits paid from DVB. There were 432 deaths of veterans who had no friends or relatives, for which the Department of Medicine and Surgery was responsible last year. The number is quite small.

Mr. SHELBY. Do you monitor those burials any differently from the others? Since there is no family, and there is no one to claim them, shouldn't you have a higher obligation?

Ms. QUANDT. It is about that group, 432, that Mr. Murphy said we have manual requirements that direct us to inspect the remains at the funeral home prior to burial. Not inspecting is the failure in this case.

Mr. SHELBY. Does the Veterans' Administration work in these instances with the various service organizations, such as the VFW, American Legion, and so forth?

Ms. QUANDT. That is not part of our procedure and it is not something we have done. It is something we——

Mr. SHELBY. Is it something that should be considered?

Ms. Quandt. Yes.

Mr. Shelby. One last thing, Mr. Chairman, and I will try to move on. It is my understanding that by law, $300 is the maximum amount payable to a funeral director for furnishing a casket, body preparation, and so forth, for burial. I have been informed, that when a veteran cannot be buried for that amount, the VA Administrator has discretionary authority to increase this burial allowance. If that is so, how often does this happen and in what kind of circumstances?

Ms. Quandt. I would like Mr. Cook to provide that specific information.

Mr. Shelby. Okay.

Mr. Cook. We rely on the authority to do so on an old Comptroller General decision rendered specifically to the VA, B7225, dated December 27, 1939. It has since been reviewed and maintained. The past 12 months there were 8 medical centers involved with 33 burials where we had to invoke this administrative necessity.

Mr. Shelby. Thank you, Mr. Chairman.

Mr. Montgomery. Mr. Hillis.

Mr. Hillis. Thank you, Mr. Chairman.

I just have a couple of questions, one of which has just been covered. Ms. Quandt, a representative of a veterans organization has been quoted in the press as saying there have been over 4,000 other cases such as this one at Quantico. Is there any validity to such an assertion?

Ms. Quandt. Mr. Hillis, we know of no source of that information, and because there are less than 500 such deaths in our VA facilities in any given year, that would be almost 10 years of deaths. We would be happy to investigate if we could find a specific source. I don't know if Mr. Bannai has anything to add, or Mr. Murphy.

Mr. Murphy. I would just add, Mr. Hillis, that since we are talking about 10 years to reach that number, you would also have to make the assumption that 10 years of indigent veterans' burials have been done in this manner. I just don't see where you can make that as a reasonable assumption.

Mr. Hillis. Has the VA had any trouble with the S.W. Hackett & Sons Funeral Home in the past or is this the first time that you know of any difficulty?

Ms. Quandt. Mr. Cook will reply.

Mr. Cook. Mr. Hillis, this is the first time we used this particular funeral home.

Mr. Hillis. This is the first time they have been used?

Mr. Cook. Yes, sir.

Mr. Hillis. Do you know if they subcontracted certain services?

Mr. Cook. I do not.

Mr. Hillis. What does Mr. Hackett, himself, say about this?

Mr. Murphy. Mr. Hackett is not willing to discuss the matter with us. He is, according to my information, responding through an attorney.

Mr. Montgomery. Would the gentleman yield?

Has Mr. Hackett's funeral home been taken off the VA's accredited list?

Ms. Quandt. Yes.

Mr. HILLIS. That was my next question.

Mr. MONTGOMERY. I am sorry.

Mr. HILLIS. I understood that they had been.

What inquiry, if any, goes into the selection of a funeral home that is recognized to do business with the Veterans' Administration. Do you just presume they will carry out their responsibility in a proper way?

Mr. MURPHY. Up until this incident, the review of the background or qualifications of the funeral home was largely predicated or based on the State or appropriate jurisdiction's granting a license to the facility. Given this situation, we are reconsidering whether we should go further.

Mr. HILLIS. But if it was a licensed operator, that would seem to be adequate qualification?

Mr. MURPHY. Yes, sir.

Mr. HILLIS. Thank you, Mr. Chairman. Those are all the questions I have.

Mr. MONTGOMERY. Thank you.

The Chair will recognize members in the order of their arrival.

Dr. Rowland.

Dr. ROWLAND. Thank you, Mr. Chairman.

Three hundred dollars is the total amount that is allocated for burial, is that correct?

Mr. MURPHY. $300 is the amount provided in statute, in these types of cases. Where it is a death inside a VA medical facility, the $300 limitation can be exceeded if it is administratively necessary.

Also, as I just mentioned, the $300 is in addition to transportation.

Dr. ROWLAND. Is a vault used in burials usually a concrete vault? In this instance was the cardboard box simply placed in the ground, no vault?

Ms. QUANDT. I would like to ask Mr. Bannai to respond.

Mr. BANNAI. In this instance it was—at that particular cemetery. We use graveliners, but not vaults, in certain cemeteries where we have problems with the ground, for instance, in sandy loam situations. We used to use them in most of the cemeteries; however, the economics of it dictate that we cannot since the cost has gone up way beyond $100 per graveliner. As a result, due to budgetary constraints, we use graveliners now in only four of our new cemeteries, but not in this one.

Dr. ROWLAND. Vaults are customarily used throughout the country, aren't they?

Mr. BANNAI. Even in our national cemeteries, if the family wishes to purchase a vault or a graveliner, they can. Graveliners or vaults are not customarily used in all cemeteries, and, as I indicated, in our national cemeteries where we do not furnish them selecting one becomes the option of the family.

Dr. ROWLAND. If a veteran has an opportunity, are they given an option about what type of burial they will have, cremation, or whatever? Are they ever questioned about that?

Mr. MURPHY. Yes, sir.

Dr. ROWLAND. They are?

Mr. MURPHY. Yes.

Dr. Rowland. In this particular instance, was the veteran given an option, do you know?

Ms. Quandt. There is no indication in the clinical record to that effect.

Dr. Rowland. Would you suspect an indication to be in the clinical record if he was given an option?

Ms. Quandt. If the patient were given such an option, it would be in the administrative portion of the clinical record.

Dr. Rowland. Thank you, Mr. Chairman.

Mr. Hillis. Mr. Chairman, might I ask one additional question?

Mr. Montgomery. Sure.

What the Chair would like to do, if there are no objections, is have Senator John Warner come to the witness table. He has been waiting patiently, and he has a brief statement. After your question, Mr. Hillis, we will let Senator Warner come to the witness table and let the panel keep their positions. We are not through with our questioning of the VA yet.

Mr. Hillis. My question was just to follow this matter.

Mr. Hackett is only addressing this problem with you through an attorney. Are you contemplating any follow-on legal action of any kind with him or his firm about this matter?

Ms. Quandt. Mr. Murphy will respond.

Mr. Murphy. We are in the process of attempting to ascertain some of the facts. We have encountered some difficulty and some ambiguities as to what factually occurred. These should be resolved in the very near future. There should be factual specificity before any decision is made.

I have requested the State of Virginia and the District of Columbia, that is, the appropriate organizations and individuals in those two jurisdictions, to look into the matter.

Mr. Montgomery. The Chair would like to invite the senior Senator from Virginia to present his testimony.

STATEMENT OF HON. JOHN W. WARNER, A U.S. SENATOR FROM THE STATE OF VIRGINIA

Senator Warner. Mr. Chairman, to avoid any disruption, I will just stand.

Mr. Montgomery. We are very honored that you would come to the House side this morning and make this presentation pertaining to burial rights and benefits. The Chair recognizes the Senator from Virginia.

Senator Warner. Mr. Chairman, to shorten the proceedings, I wonder if I might have the courtesy and unanimous consent that I insert my statement in the record.

Mr. Montgomery. Without objection.[1]

Senator Warner. I would like to make my point with just a personal reference. I was sitting here in this room, Mr. Chairman, with my distinguished seatmate in the Senate, Senator Simpson, and members of the committee, and thinking of what our responsibility is within the Congress to the men and women who have proudly worn the uniform of the United States throughout the history of this country.

---

[1] See p. 58.

My father was a World War I veteran. He fought in the trenches. Thirty-nine years ago this month, coincidentally, I joined the Navy. I will never forget, I think the second night I was there. There was an old chief, he wasn't long on poetry and he wasn't long on some of the finer parts of literary learning, but he drove home a point to us with a simple refrain he memorized from Rudyard Kipling. Kipling wrote it at the turn of the century about a British Tommy. The refrain went as follows:

"It was Tommy this and Tommy that, and when the war is over, chuck him out, the brute. But when the guns begin to shoot, 'tis the hero of his country."

We have all witnessed that, those of us who served in uniform. I went on to serve again during the Korean war as a marine and then as Secretary of the Navy for 5 years during Vietnam. So I have had a long association with the military and with those who have served.

I only bring that to your attention to say that I have watched through the years America's feeling toward its military, those on active duty and those who are in the veteran status. It tends to ebb and flow. Right now this Nation is enjoying one of its great moments of patriotic feeling because of the extraordinary, splendid service and, indeed, the sacrifice of many men and indeed some women in uniform.

We tend to think only in terms of wars. But, as you know, Mr. Chairman, since World War II, this Nation has sent forth men and women in uniform 250 times in the cause of freedom. In between those incidents where they have gone abroad, there are many training centers here at home and other situations which require proper attention after they honorably leave the service.

So we are trustees. I congratulate the chairman and my distinguished colleague in the Senate and members of this committee for looking into this incident, because in my humble judgment in the last few months there are only two press stories, excluding Lebanon and Grenada, which have driven home lessons to the American people. And they are quite opposite.

One was the story that the military was spending extraordinary amounts of money, hundreds of dollars, for the simplest piece of hardware and spare parts. That just infuriated the American public to think of the waste and fraud and abuse that exists in the Military Establishment.

The second story is this poignant episode of the burial of this veteran. We in the Congress and those of us in the administration must insure that neither of these incidents ever happen again.

Thank you, Mr. Chairman.

Mr. **Montgomery**. Thank you very much, Senator. We appreciate your patience and the remarks you made. We hope a situation similar to the Quantico incident will not happen again. That is why we are having this hearing. Thank you, sir.

The Chair recognizes Mr. Bilirakis of Florida.

Mr. **Bilirakis**. Thank you, Mr. Chairman.

I would ask the panel if the VA transmits a set of standards to the funeral director prior to the receipt of the body. And if they do, how do they do so? And if they don't, why not?

Mr. MURPHY. The practice in this area, Mr. Bilirakis, has been for the VA to ascertain those funeral homes or funeral directors in the area who are willing to perform this type of service. There is then a meeting or conference with them, at which time the procurement regulation requirements which I mentioned earlier, the requirement of a casket, embalming, clothing, and the flag, necessary permits, are supposed to be discussed.

And then, subsequently, when the actual need for the service arises, the actual agreement is done by the VA issuance of a purchase order, that has been the general practice of the VA——

Mr. BILIRAKIS. So there is an actual contract. You call it a purchase order between the VA and mortician?

Mr. MURPHY. The purchase order is a contract.

Mr. BILIRAKIS. Is the set of standards reflected in that contract?

Mr. MURPHY. It is supposed to be. In this particular instance, one of the ambiguities is that I don't know if the meeting in fact occurred. I am trying to ascertain that, and what transpired at that meeting, if the requirements of the procurement regulations were transmitted, if there was an agreement at that time.

All that I know at this point is, well, really two things. I, of course, know what the purchase order said. I have a copy of that.

The second thing is that in general VA practice, there usually is such a meeting.

Mr. BILIRAKIS. Would the set of standards have to be imprinted or typed onto the purchase order, or is there a regular specific purchase order to cover this particular situation which is already pretyped with maybe a few blanks to be filled in?

Mr. COOK. No, sir. It is typed in each case. Special form.

Mr. BILIRAKIS. This is done by a VA representative at the hospital?

Mr. COOK. Yes, sir.

Mr. BILIRAKIS. And it was not done in this case?

Mr. COOK. It was done, but it was not completed.

Mr. BILIRAKIS. Were the parts that were done adhered to by the mortician?

Mr. MURPHY. One of our difficulties, sir, is that the purchase order refers to preparation and shipment of remains, and then also interment at Quantico National Cemetery. That is not a terribly specific choice of words.

Mr. BILIRAKIS. No, it certainly is not, is it. But you are usually more specific than that. Is that basically what you are saying?

Mr. COOK. Yes, sir.

Mr. BILIRAKIS. I suppose, Mr. Chairman, that the VA cannot be, even though they should be certainly more definite in the preparation of the purchase order, they certainly are not going to be able to monitor personally, to eyeball, every particular situation that occurs.

And to hitchhike upon something that Mr. Shelby has said by possibly working out something with the local veterans posts such as the, VFW, American Legion, DAV, et cetera, their service officers or their service officers' staffs, where they could personally monitor maybe every one of these burials of veterans in their particular districts might not be a very bad idea. I would strongly suggest that that proposal be very seriously considered.

I have nothing further, sir. I am going to leave in a little while because I have my Select Committee on Aging hearing down the hall. I do have a statement that I would ask unanimous consent to be put into the record.

Mr. **MONTGOMERY**. Without objection.

[The statement of Hon. Michael Bilirakis follows:]

STATEMENT OF HON. MICHAEL BILIRAKIS

Let me first express my own sense of shock and deep disappointment over the appalling lack of dignity and decency which characterized the burial of World War II veteran Albert Reynolds.

I am, however, very impressed with the testimony we have have heard here this morning in response to this incident, although I certainly am not suprised by the quality of the statements that have been made. Without exception, the veterans' organizations which testified were not content to merely criticize the circumstances which led to the shameful incident at Quantico National Cemetery, fault-finding has never been the prime mission of these fine service organizations. Instead, these groups, as usual, demonstrated their commitment to playing an active and positive advocacy role on behalf of the Nation's Veterans by looking at a negative situation and offering suggestions for positive action to be taken to improve veterans' benefits and services. It is easy to criticize problems or errors but it is much harder to come up with viable proposals for correcting those weaknesses in the system. This challenge certainly has been met here today and I commend all of you for your very responsible approach to this important issue. Your comments have been most helpful.

I also want to commend V.A. administrator Harry Walters for his prompt and forthright response after learning of the appalling manner in which one of our comrades was buried. I know Mr. Walters to be a decent man and a committed administrator and I am confident that the firm and compassionate steps he has taken will help ensure that this tragedy is never repeated. I know that the House and Senate Veterans Affairs Committees will do their share as well and again, thank you all for helping us do our job.

Mr. **MONTGOMERY**. I think your suggestion is well taken. I do find the veterans organizations are willing to have honor guards and participate in burying these veterans. It was brought to my attention, and Alan, we ought to look into it, that the ceremonial weapons that the different veterans organizations use, have to go back in the arsenals or back into the military to refurbish them.

And, as I understand it, now the military is going to charge them over $300 to refurbish these weapons. This would be something we could look into. Maybe the organizations should not be charged for something like that.

Let the record show Mr. Staggers was here, and Mr. Evans had to go to another committee.

Now the Chair would like to recognize Mr. Tim Penny from Minnesota.

Mr. **PENNY**. Thank you, Mr. Chairman.

I want to first endorse the suggestion by Mr. Bilirakis that you work with the veterans' service officers or representatives of local veterans' organizations in the future when you have a burial of someone without friends or relatives. It seems to me that they would be most willing to assist the VA in monitoring those burials, and it would then not require any additional outlay by the VA in order to see to it that the burial is handled in a proper manner.

Have you in your instructions to VA personnel made it clear that from now on there will be more specific information provided to funeral directors when these veterans are turned over to them for embalming and the other preparatory activities for burial?

Ms. QUANDT. Several steps have been taken, Mr. Penny. In addition to Mr. Bannai's letter to directors of national cemeteries, which I will ask him to address, the Chief Medical Director sent a notice to all field facilities of the importance and the sensitivity of this matter. And there has been a teletype sent out from the Office of Procurement on the minimum standards for caskets.

Mr. PENNY. It does seem to me that a purchase order is not sufficient and that it ought to be standard procedure for the additional information to be listed for the benefit of the funeral director.

Ms. QUANDT. I can tell you that one of our operation manual chapters was ready to go to the printers. We have pulled it back from the printers in order to put in additional procedural directives to the field facilities.

Mr. PENNY. I appreciate that, and I think it is a good step in the right direction.

Has the $300 payment been made to this particular funeral director?

Mr. MURPHY. No.

Mr. PENNY. All right. Well, at least that is one bit of good news. It does concern me that there seem to be so many hoops and hurdles in the way of proceeding against this funeral director in the courts. And I am just curious as to——

Mr. MURPHY. The hurdles are really more at this point in time uncertainties with regard to some of the facts. For example, I mentioned, in response to Mr. Bilirakis, the practice of a meeting between our supply officers and these funeral directors. We have had difficulty locating the now-retired supply officer at the time this particular company became involved. We just haven't been able to get a hold of him. When we reach him, we will have a better understanding of the facts.

Mr. PENNY. It isn't a problem, then, with the authority of the Department to pursue this kind of a matter?

Mr. MURPHY. Well, it is a problem insofar that absent the facts, whether action is proper, and, if so, what the nature of the action should be. I am just personally not quite at a point where I can make a recommendation.

Mr. PENNY. OK. With that, Mr. Chairman, I don't have any further questions. But I have to leave for another meeting. In fact, I have a Post Secondary Education Subcommittee meeting at 9:30, a full Education and Labor Committee meeting at 9:30, a Livestock Subcommittee meeting at 9:30, a Rules Committee Task Force meeting at 10 and full Agriculture Committee meeting at 10 o'clock. Some mornings get terribly frustrating, and I apologize that I won't be here for the other panelists, but I think you understand I have a few other bases to cover.

Mr. MONTGOMERY. Thank you, Tim. Maybe we will have a meeting at 7:30. We might not have any witnesses. You and I will be here, though.

Senator SIMPSON. I won't be here.

Mr. MONTGOMERY. I know Senator Alan Simpson won't be here. I am sure of that.

Senator SIMPSON. Some day I am going to be on time, though, Mr. Chairman.

Ms. QUANDT. Mr. Chairman, Mr. Bannai would like to add something to the record, if he may.

Mr. BANNAI. Since there have been several questions, I might say in defense of the funeral directors, we perform in our national cemeteries approximately 45,000 interments per year. Each one of them comes to us after mortuary services have been provided by a funeral director. When we say this was an isolated case out of 45,000 last year, I am sure it was just an exception to the rule.

I happened to be at the convention of the national funeral directors at the time this incident surfaced. So we were in touch with the organization's executive director, Mr. Howard Raether. I might say not all funeral directors are all members, unfortunately, as Mr. Raether told me, most of the funeral directors who would engage in unethical practices are not members of the National Funeral Directors Association [NFDA].

Nevertheless, the NFDA took it upon themselves to distribute all of the news articles that were published and also to tell each one of the funeral directors of the rules and regulations, including the new changes. In fact, in most of the VA hospitals checked the funeral directors were adhering to the letter of the law.

This case was an exception, but most of the funeral directors who work with us in the Veterans' Administration give all the services that every veteran is entitled to. As I said, this is 1 out of about 45,000 interments that we accomplish in our cemeteries.

Mr. MONTGOMERY. Mr. Bannai, before recognizing Congressman Mollohan, I am not sure of your statement that this is a totally isolated case, because it doesn't seem to me that the VA is quite coordinated.

I want to commend the Veterans' Administration for saying it was wrong. Most Government agencies wouldn't even admit they were wrong in anything. At least you have said that you were wrong. You didn't have regulations.

But I am not sure exactly if you can say this is an isolated case. You have the VA medical facilities who start out with the processing of the body, and then the Department of Memorial Affairs become involved. Why doesn't the Department of Memorial Affairs handle it all the way through?

Mr. BANNAI. We were the first ones involved, Mr. Chairman. The one that called it to the attention of the hospital was the individual who received that body at the cemetery. Most all of our employees at all of our national cemeteries are veterans. When they saw that incident, which surfaced only because of the concern of our people who felt that a fellow veteran was not receiving 100 percent of what he was due, they reported it.

Mr. MURPHY. Mr. Chairman, if I could just mention, in this case this is really more a DM&S affair. In these situations, the Department of Memorial Affairs isn't involved in the process of the preparation of the veteran's body.

Mr. MONTGOMERY. That is my point, Mr. Murphy. It looks like you don't have coordination between the Department of Medicine and Surgery and the Department of Memorial Affairs. Are you trying to work it out to where it will be a smooth transition or transfer?

Mr. **Murphy**. I would have to defer to Mr. Bannai on this, but my understanding is that the Department of Memorial Affairs is not involved in the preparation of remains in other instances. They run the cemetery system and perform the actual interment.

Mr. **Bannai**. Every remain we receive at our national cemeteries comes through a private industry, the funeral director's industry.

Mr. **Montgomery**. Mr. Mollohan.

Mr. **Mollohan**. Thank you, Mr. Chairman.

I am not sure whether you can say, at least based on what I have heard here today, that this is an isolated incident, or whether you can testify definitively that it is an isolated incident. I would like to get into that matter.

You indicated that you have 45,000 interments a year, is that correct?

Mr. **Bannai**. Yes; that was the last fiscal year, and probably will increase as the veterans are getting older. Yes.

Mr. **Mollohan**. But the great majority of those would not even be an applicable comparison or standard with regard to this.

Mr. **Bannai**. No.

Mr. **Mollohan**. Because most of those have a next of kin.

Mr. **Bannai**. Yes.

Mr. **Mollohan**. We are actually talking about these 432.

Mr. **Bannai**. That is correct.

Mr. **Mollohan**. It is somewhat reassuring, but I must say, not very convincing when you say this is an isolated incident. In your testimony, Madam, you said that somebody emphasized that this was an appalling but an isolated incident. Who was that?

Ms. **Quandt**. I believe that is a quotation of the Administrator of Veterans' Affairs. And all of us surely consider it appalling.

Mr. **Mollohan**. And isolated.

Ms. **Quandt**. Yes.

Mr. **Mollohan**. That was the conclusion. What sort of a review or study was this determination that it was isolated based on?

Mr. **Murphy**. I think the basis for the belief in the VA, which is a strong belief, that this was an isolated incident is that we have never had, at least as I have become aware, anything like this or remotely approaching this. We do do a large number of funerals and burials, as you correctly point out. In the last year the number was 432. If this were not an isolated incident, we would expect, like our Department of Memorial Affairs employee in this instance, to have heard about it.

Mr. **Mollohan**. So it is a judgment based upon past experience.

Mr. **Murphy**. Yes; we do not have a basis to presume that the funeral industry is doing poor work, unless proven otherwise.

Mr. **Mollohan**. It is just not based on a postincident study or investigation?

Ms. **Quandt**. No, it is subjective.

Mr. **Mollohan**. Also as I understood your testimony, there are no standards set for the burial of those deceased who have no next of kin or other close people who would be concerned about the circumstance of their burial, is that correct?

Ms. Quandt. At the time of Mr. Reynold's funeral there was no minimum standard for a casket. There are requirements under the contract that the body be embalmed, the body be clothed, that there be a casket, and that there be a flag draping that casket. That is in the VA procurement regulations. Those have been the standards.

Mr. Mollohan. But there is no standard for quality of casket?

Ms. Quandt. No.

Mr. Mollohan. The other things are required.

Ms. Quandt. That was not stated until this tragic incident was brought to our attention.

Mr. Mollohan. Is there now a standard?

Ms. Quandt. There is now.

Mr. Mollohan. What is it?

Ms. Quandt. Mr. Cook?

Mr. Cook. Basically it provides that the casket will be of sufficiently sturdy construction that it will hold the remains. And it will be at a minimum made of particle board, which is widely used in the process of making caskets in this country.

Mr. Mollohan. Will you describe the casket that this gentleman was initially buried in?

Ms. Quandt. Not having seen it, all I can report is that it was described as cardboard. There was a one-piece lid. But that—it was impossible, without opening that casket, to determine which end was the head of the casket.

Mr. Mollohan. It was in a structure built for the purpose of serving as a casket? Was it manufactured for that purpose, or was it just a cardboard box?

Ms. Quandt. I cannot answer that, Mr. Mollohan. I would have to supply that for the record.

[Subsequently, the Veterans' Administration furnished the following information:]

The Veterans Administration possesses no information to describe the precise type of container in which Mr. Reynold's body was buried. However, a VA Department of Memorial Affairs official who witnessed the disinterment advised that the container had nearly completely disintegrated; it did appear to have been made of a paper construction. It is possible that the container was in fact not a "casket" per se but was a container manufactured for purposes of protecting a casket during shipping. Again, however, we reiterate that we cannot describe precisely this container.

Mr. Mollohan. What is the estimated cost of a burial under the minimum standards that you have described? If a funeral director fulfilled the minimum requirements, what would be the cost?

Ms. Quandt. Under the statutory limitation it would be $300.

Mr. Mollohan. I understand what the statutory limitation is. That is not my question.

The question is: If you fulfilled the minimum requirements you have just described, and you have evidently changed the standard for the casket now since this incident, what would be the cost?

Mr. Murphy. I appreciate the specifics of your question, and I can't give you a specific answer. But I can back into it this way. We know that in most of the United States, at most of our facilities, we are able to, with honor, inter indigent veterans who die in our facilities within the limit of $300, as stated in the statute.

We also believe very strongly that what occurred here is isolated and atypical, and therefore I would deduce that our minimum standard of particle board would be able to be met in the vast majority of cases for $300 or less.

Mr. **Mollohan**. The question beyond this incident is, can an indigent, veteran be buried with dignity for $300?

Mr. **Murphy**. Well, I think our answer, based on the analysis I just gave, would be in most cases, yes. In those cases where not, the VA has the legal authority to go beyond the $300, and our medical directors, when necessary, do in fact do that. They do go beyond the $300.

Mr. **Mollohan**. Have you received any input from the funeral industry on this question, any concerns expressed about being unable to perform funerals for that price?

Mr. **Bannai**. First let me answer the question about the funeral director, the $300 cost he puts in. It is a private business, and depending on their overhead, some directors have more than others. The funeral directors that do not take on the $300 funerals for the Veterans' Administration do not ask to be put on the list because they have other businesses which are sufficient to take care of, profitable enterprises.

The ones that do, and I have talked to some of them, feel that they don't want to disclose their costs. I can give you figures of what they tell me, but they don't want to disclose the complete cost, because each item, as I say, that they purchase, whether it may be clothing, the embalming, or the casket, is their own.

How they buy it and what volume they do dictate their charges. Most of the ones I talked to that deliver this type of veteran to our cemeteries have in most instances not complained about the $300.

They have not complained about the amount of $300 other than saying they wish they could get more.

Mr. **Mollohan**. That suggests there have been some that have.

Mr. **Bannai**. Yes. Every enterprise that is in business to make money——

Mr. **Mollohan**. I am not asking about any enterprise. I am asking about this specific situation, Mr. Bannai.

Mr. **Bannai**. No, I have not heard that complaint. It is evidenced by several areas where we have more than a sufficient number of funeral directors who are willing to take on the task of handling the interment of these veterans.

Mr. **Cook**. Mr. Mollohan?

Mr. **Mollohan**. Yes?

Mr. **Cook**. Of course, the funeral director is free to participate or not participate in doing business with the VA. During the past year we surveyed, found that 653 funeral directors would; 512 would not.

Mr. **Mollohan**. The oversight aspects of this are troubling, and they have already been adequately explored, so I won't get into it. But I think this is a very serious area and there appears to be some inadequacy. Without knowing all the circumstances, I wouldn't jump to a judgment, but it certainly appears that way.

Very quickly, Mr. Chairman, what legal liabilities was this funeral director faced with?

Mr. MURPHY. It is very hard to say at this time because we are in the process of attempting to ascertain the facts. But there are some troublesome legal aspects.

Mr. MOLLOHAN. Did he violate any VA regulations that would subject him to civil or criminal penalties?

Mr. MURPHY. There is an issue of our procurement regulations. One of the issues is whether the procurement regulation is directed at funeral homes or is directed at our own personnel.

Mr. HILLIS. Would my colleague yield at that point?

Mr. MOLLOHAN. Certainly.

Mr. HILLIS. Thank you for yielding.

You testified earlier that the $300 burial allownce has not been paid to the Hackett Funeral Home.

Mr. MURPHY. That is correct.

Mr. HILLIS. I understood also there is a possibility of an $800 payment from the District of Columbia for indigent persons. Do you know if that has been paid or can any action be taken to prevent that payment from being made as well?

Mr. MURPHY. I do not know if any other sums have been paid or received from any other organization or entity. If there has been, that would certainly be an area of very close scrutiny by me. I would be hesitant at this point, without knowing that, to render an opinion.

Mr. HILLIS. Would you look into that and provide it for the record?

Mr. MURPHY. I will attempt to do so, sir.

[Subsequently, the Veterans' Administration furnished the following information:]

The District of Columbia has been advised of the circumstances of the burial of this veteran. We have not yet received a response to our inquiry whether the District of Columbia has made any payments to the Hackett Funeral Home.

Mr. MOLLOHAN. Mr. Chairman, could I have just one more question? I appreciate your indulgence.

What investigation is the VA conducting into this incident, and how would you characterize it? Is there investigation into the legal liabilities, and then is there an investigation into the circumstances? There really seems to be a lack of information here.

Mr. MURPHY. One of the things we are attempting to ascertain, again, I am referring to my office, Office of General Counsel, as opposed to the whole VA at this point, is what were the standards and practices of the profession in this locale? Also, what in this locale by the profession itself is considered the minimal acceptable professional standards?

The facts I believe as to what was actually provided, given that Mr. Reynolds was exhumed and reentered, are fairly well known.

Mr. MOLLOHAN. Does the VA intend to pursue any civil or criminal prosecutions if there is a regulation or statute that has been violated?

Mr. MURPHY. This matter has been referred for consideration by both the District of Columbia and the State of Virginia. In addition, if warranted by the facts, I will pursue whatever appropriate legal remedies are justified by those facts.

Mr. MOLLOHAN. Actually what I was referring to was the VA.

Mr. MURPHY. Yes. If the facts support it and are a justifiable, reasonable basis for proceeding——

Mr. MOLLOHAN. But you are looking at the possibility of doing that.

Mr. MURPHY. In this case, yes.

Mr. MOLLOHAN. That is the only case we are talking about.

Mr. MURPHY. Well, you are right.

Mr. MOLLOHAN. Thank you, Mr. Chairman.

Mr. MONTGOMERY. Thank you.

Senator Simpson has a question or two.

Senator SIMPSON. Thank you, Mr. Chairman.

I did pass. I just have a couple of questions. I do want to thank Mr. Paul Bannai for his candor here. I have worked with him with regard to the veterans cemetery in my own State of Wyoming.

One of the things with Congressman Mollohan and others, I think we will see a renewed interest in the licensing standards in the various States and municipalities, because here is where it lies at first. And that is the licensing standards of the profession. Indeed, we do have to I think add some regulation and so on.

But each and every State, is that not correct, and the District, have licensing standards for funeral directors? Is that not correct?

Mr. MURPHY. I believe that is correct, Senator.

Senator SIMPSON. Of course, this was the subject of what the Federal Trade Commission was attempting to do in regard to the funeral industry and these type of things will now just create a further interest in that, which is unfortunate or fortunate, depending on which side you are on.

But I wanted to ask about cremation, because I would inquire as to how many of these 432 indigents were cremated, and if in cremation there is still the demand by the funeral director for a casket, which has always seemed rather extraordinary in its request. Could you give any response to that?

Ms. QUANDT. Mr. Chairman, we will have to provide that for the record.

[Subsequently, the Veterans' Administration furnished the following information:]

Mr. Chairman, we surveyed all VA medical center on your question. There (3) cremations were reported. In one (1) of these cases, the funeral director furnished a casket. However, we believe the casket and other merchandise and services in that case were furnished for a total fee that was within the statutory allowance.

Senator SIMPSON. That is the bane of our life, that statement. But go ahead and do it. I will appreciate that.

But I would like to know that. And I would like to know the costs of cremation. I am intrigued by the possibility of the service organizations being notified here. Perhaps on admission. Does it say membership in any veterans organization, and does he put that on his application when he goes to the VA hospital? I believe that is done, is it not?

Ms. QUANDT. It is not currently, to my knowledge, on the 1010, which is the application form. However, there are other forms supplied which do alert service organizations who are provided space in our facilities that there are veterans admitted. They are frequently visited.

Senator SIMPSON. My experience is that most patients in VA hospitals are members of a veterans organization. I think that would be a good step. Then upon death, that organization might be notified. I would hope, as I perceive this, that the things we talk about with regard to the agency of the memorial affairs and so on, that we also, if we are going to request some regulation or codification, that that same thing be done with the Department of Medicine and Surgery, so that we have a dual grip on this one.

And then, finally, I would hope that in the recesses there that we might change this request for burial so that it does not appear on a purchase order or an order for supplies or services, and that in essence it be a request for proper burial, or some different form than simply a requisition or a purchase order. I think that is a bit extraordinary and not sensitive nor appropriate. So, I would hope that there might be some effort to change that and make it a document entitled "Request for Burial for a Veteran," or something of that nature.

Ms. QUANDT. Mr. Chairman, I am sure you will see many administrative changes come about because of this particularly sad situation.

Senator SIMPSON. That is why Congressman Montgomery and I lurk like giant hawks over the scene, yes.

Thank you.

Mr. MONTGOMERY. Thank you.

We have two more panels. I am going to call both panels to the witness table, though, because I am afraid we will get some votes in the next few minutes. To follow up on Senator Simpson's question on cremation, I think maybe these committees need some recommendations on cremations, whether or not applications are available to the veterans.

I know there are more cremations taking place now. It is just a matter of space. I see you nodding your head Mr. Bannai. In some countries they just don't have the facilities or land to make these burials.

Mr. BANNAI. Relative to cremations, they have increased probably about 17 percent in all of our national cemeteries. We opened up last year in California four closed cemeteries for the inground internment of creamated remains. As a result we were able to intern an average of 300 or 400 veterans and family members per cemetery that heretofore we were not able to accommodate. We have done that with all of our 108 cemeteries and as a result, those cemeteries are burying cremated remains. We are making room in all of those, and we will be able to accommodate anyone who desires this form of burial.

Mr. MONTGOMERY. I would like to thank you for being here, Mr. Cook. We are glad to see you feeling better. I know you have been under the weather. We appreciate you coming up this morning. We certainly appreciate that, and it is nice of you to be here this morning. Some of you might stay around so you can hear what these other witnesses might say.

I would like to invite both panels up. I will let staff read the panel names.

Mr. SHULTZ. Today we would like to try to have all the panel members up at the same time. That will be AMVETS, American

Legion, Disabled American Veterans, Jewish War Veterans, Veterans of Foreign Wars, and Paralyzed Veterans of America.

I know it is going to be a little bit crowded: but in the interest of time, if you can try to get there together, we will appreciate it.

Mr. MONTGOMERY. I like this idea of dual chairmanship. We have a vote in the House, and I would like to ask the Senator to chair. It is kind of an historic occasion, that the House chairman would like to turn over the gavel to the Senate chairman while we go vote. We will try to come back, Mr. Chairman.

Senator SIMPSON [presiding]. I know you will make every effort. I will be waiting. Thank you, Mr. Chairman. We will please proceed, I think, just in the order of the agenda, please.

STATEMENTS OF NOEL C. WOOSLEY, NATIONAL SERVICE DIRECTOR, AMVETS; PAUL S. EGAN, DEPUTY DIRECTOR, NATIONAL LEGISLATIVE COMMISSION, THE AMERICAN LEGION, ACCOMPANIED BY ROBERT E. LYNGH, DIRECTOR, NATIONAL VETERANS AFFAIRS AND REHABILITATION COMMISSION; DAVID W. GORMAN, ASSOCIATE DEPUTY NATIONAL LEGISLATIVE DIRECTOR, DISABLED AMERICAN VETERANS; JOSEPH ZOLDAN, NATIONAL COMMANDER, JEWISH WAR VETERANS OF THE UNITED STATES OF AMERICA; JAMES N. MAGILL, SPECIAL ASSISTANT, NATIONAL LEGISLATIVE SERVICE, VETERANS OF FOREIGN WARS; AND BOB MORAN, ASSOCIATE LEGISLATIVE DIRECTOR, PARALYZED VETERANS OF AMERICA

STATEMENT OF NOEL C. WOOSLEY

Mr. WOOSLEY. Mr. Chairman, I am Noel Woosley, national service director of AMVETS. We appreciate the opportunity to express our views on VA burial standards, particularly in view of the recent unfortunate incident involving the burial at Quantico of the unclaimed body of a Navy veteran in a so-called cardboard casket, and apparently in violation of VA directives requiring embalming and inspection of the remains before burial.

The Administrator of Veterans' Affairs and the Chief Memorial Affairs Director rapidly responded in this case with compassion by issuing minimum standards for caskets for the unclaimed remains of veterans. These standards prescribe that the caskets be constructed of thick, strong boards of sufficient strength to hold the weight of an adult. The revised standards have been issued as procurement criteria for inclusion in contracts with funeral directors.

AMVETS would also like to see these or similar minimum standards incorporated into chapter 23 of title 38. In addition, consideration should be given to providing appropriate military uniforms for the unclaimed remains. These could probably be procured at minimum or no cost from the surplus stocks of the services.

The use of a cardboard casket in the Quantico incident resulted from the unscrupulous corner-cutting of a funeral director. However, careful consideration should be given to raising the burial allowance in chapter 23, after the views of the undertaking industry, as well as the VA and the veterans' organizations, are heard.

This concludes my testimony. I will be happy to respond to questions.

[The prepared statement of Mr. Woosley appears on p. 6.]

Senator **Simpson**. Thank you very much, Mr. Woosley. I understand this is your first appearance before the joint committee. We appreciate having you here.

Mr. **Woosley**. Thank you, sir, it is my pleasure.

Senator **Simpson**. Paul Egan is not here. We have Mr. Robert Lyngh of the American Legion next.

STATEMENT OF ROBERT E. LYNGH

Mr. **Lyngh**. The American Legion appreciates this opportunity to present its views on the current status of Veterans' Administration standards and procedures regarding funeral and burial services and benefits for our Nation's veterans.

Before discussing the present position of the Legion on these subjects, the recent situation involving the veteran who was buried in a site at the Quantico National Cemetery, wrapped in a single sheet and placed in a cardboard casket must be briefly mentioned. The American Legion is appalled at this occurrence and has informed the proper officials of the VA that it must not ever be allowed to happen again.

The American Legion suggests members of this joint committee can use this incident as a gage to measure the opinion of citizens generally concerning the obligation we all share to provide a decent burial to those who defended the national interest in the Armed Forces of the United States. The reaction in this case serves as support for the Legion's position that all eligible veterans must receive a funeral and burial consistent with the dignity and esteem in which war veterans are held. Our veterans expect no more and deserve no less.

Mr. Chairman, this brings us to the subject of burial benefits and the eligibility changes for the basic burial allowance as enacted by Public Law 97-35, the Omnibus Budget and Reconciliation Act of 1981, approved August 13, 1981. It is the opinion of the American Legion that the most significant benefit taken away from all veterans by the aforementioned act was the burial benefit that had been payable at time of death to all war veterans having honorable service.

The American Legion opposed the reduction because it placed an economic value on a benefit that was freely given by Congress to insure that all veterans would be buried with dignity and respect, regardless of their income or social standing at time of death. We commend Congress for adopting legislation last year that at least assured a benefit to provide decent burial to veterans who were indigent when they died. However, the present restrictions violate the Legion's long-held principle of equal benefits for equal service.

The American Legion's policy on improving the national cemetery system and death and burial benefits for veterans is set forth in Resolution No. 384 (New York), approved by the delegates to the 1982 National Convention. In part, this resolution, and Resolution No. 394 (Wisconsin), of our 1982 National Convention, mandated the Legion to sponsor and support legislation to restore the burial allowance as a benefit to be provided for the burial of all honorably discharged war veterans and to increase the burial allowance to $400, excluding the plot allowance.

Based upon that policy, H.R. 1479 has been introduced on behalf of this organization. The enactment of this measure would correct the inequity brought about by Public Law 97-35, that eliminated the $300 burial benefit payable toward the funeral expenses of a deceased veteran except for those receiving compensation or pension at the time of death, or those who die in a VA hospital.

It is a fact that more than half the veteran population of the United States does not request or receive any benefit or recognition for service to the Nation. To this extent, we again stress that the burial benefit was the single benefit that applied to all veterans, with the exception of the home loan guaranty, which is not a cash benefit.

Most veterans never use veterans hospitals. Only about half of the veteran population have utilized the GI bill program. The burial benefit was, therefore, the only monetary recognition received by all veterans from their Government for their honorable service in time of war.

In 1981, when this benefit was eliminated, a severe injustice to our veteran population resulted. That injustice should be rectified. There will be in excess of 360,000 veteran deaths during fiscal year 1984, and 95 percent of those who die will receive no monetary benefit to facilitate their burial. In addition, the cost of funeral arrangements and burial are now considerably higher than in October 1978, when the allowance was increased to $300 as a result of the enactment of Public Law 95-479; and in many instances the families of veterans have limited resources with which to provide for them a decent funeral.

Also we would like to address the issue of the inadequate allowance authorized for purchasing burial plots. The present burial plot allowance for veterans has been set at $150 since the enactment of Public Law 93-43, in June 1973. Since that time the cost of burial plots has considerably increased. The American Legion perceives that many families of veterans have limited means to provide for the purchase of an appropriate burial site.

Additionally, the locations of national cemeteries precludes many veterans from utilizing them. It is understood that the majority of veterans desire to be buried in family burial plots or in cemeteries located nearest their homes.

To this extent, Resolution No. 218 (Illinois) was approved and adopted mandating our organization to sponsor and support legislation to increase the present burial plot allowance for veterans from $150 to $250. It has been over 10 years since the last increase, and with double-digit inflation during most of that period, it is time to adjust the monetary level of this benefit to an amount more consistent with reality.

In summary, Messrs. Chairmen, we must again stress that restoration of the burial benefit is a matter of the utmost importance to both our veterans and our citizens as well. The intense level of concern and compassion outside the veteran community was demonstrated during the recent cardboard casket incident. American Legion personnel across the country attempted to answer questions from the public who could not comprehend how our Government could allow this to happen to one who risked life and limb for his country.

Our Washington and Indianapolis staffs responded to questions from outraged citizens, veterans, and veterans' families by citing this recent incident certainly as the exception, and not the rule. We defended our Government and the benefits provided to the degree we felt we could.

We remind this joint committee that this particular veteran was eligible for the $300 burial benefit because he expired in a VA hospital. We do not know what would have been the outcome of this particular case if this $300 benefit had not been available. The truth of the matter is that in these economic times, the $300 benefit by itself does not buy more than the lowest cost casket for a veteran. In fact, even with the 25-percent proposed increase, the burial benefit will still serve as partial payment of burial expenses for most, but more importantly, the only payment for many.

Likewise, we remind this joint committee of the projected 360,000 veteran deaths that are expected this fiscal year. Of these, approximately 342,000, 95 percent, will receive no monetary benefit to facilitate their burial. We do not know what will happen to many of them who die with none, or with limited resources. We do know that many local jurisdictions have used the VA allowance to at least provide a decent burial in a Potter's Field.

Nor can we concern ourselves only when a media splash highlights an individual case. The cliche of "out of sight, out of mind," has never been the policy of Congress nor the American people, where veterans are concerned, but even its partial application following death is dismaying.

The American Legion is convinced that our Government is sensitive to the issue of insuring that all veterans are buried with the same level of dignity that distinguished their service. The issue is not one to be placed under the economics umbrella either. Reinstatement of the burial benefits and the proposed increases are high priority concerns, not high-priced concerns when the alternatives are considered.

The availability of a dignified funeral and burial is the right of all citizens, and especially of those who have served the Nation. We, therefore, petition the joint committee to further consider these matters in the hope it can recommend the benefit be restored and the proposed increases be approved.

Once again, we thank the joint committee for receiving our views.

[The statement of Paul S. Egan and Robert E. Lyngh appears on p. 63.]

Senator SIMPSON. Thank you very much, Mr. Lyngh.

Now, David Gorman, I know this is your first appearance before the Senate Veterans Affairs Committee. I believe you are next on the agenda.

Mr. Heilman, did you have some question, at this time?

Mr. HEILMAN. Yes, sir, Mr. Chairman, I had requested of Chairman Montgomery the opportunity to briefly introduce Mr. Gorman to the committees. I will certainly introduce him to you, Chairman Simpson.

Mr. Gorman recently joined our staff and this is his first appearance before the House committee or yourself, sir. Dave Gorman is a combat disabled Vietnam veteran. He was a member of the 173d

Airborne Brigade. I believe Mr. Harvey is an alumnus of that distinguished military unit. He has been an employee of the DAV for 12 years, served in the field as a national service officer in Providence, R.I., and Boston office. He spent 5 years as an NSO at the Board of Veterans Appeals office here in town and indeed was supervisor of that office before joining the headquarters staff. He brings a wealth of expertise and knowledge about the benefit system to the legislative staff. I am very pleased with the fact that he is on the legislative staff, and I believe you will come to recognize and enjoy his expertise in years to come.

Thank you, Mr. Chairman.

Senator SIMPSON. Thank you very much, Mr. Heilman. I had not realized that request of Chairman Montgomery. I am pleased to meet it. Thank you for the introduction and welcome to the joint hearing.

STATEMENT OF DAVID W. GORMAN

Mr. GORMAN. Thank you, Mr. Chairman. First, I have a written statement that has been submitted to the record, and I would like to briefly summarize that testimony. We certainly do appreciate the opportunity to appear before the committees today and commend the chairmen for their prompt action in holding these hearings.

I think as everyone we were somewhat shocked by the circumstances that occurred September 12 when the private funeral home in question did bring the remains of the deceased veteran, Mr. Reynolds, in a flexible cardboard container. Had it not been for the conscientiousness of the cemetery employee we fear these circumstances would remain unknown and perhaps would continue to occur in the future.

We would also like to commend VA Administrator Walters for his prompt action in issuing the set of standards that he did October 18 of 1983 which in essence read that as a minimum, caskets purchased by the Veterans' Administation will be of a thick, strong particle board and be able to support the full weight of a human body. Mr. Chairman, we don't think that these new set of standards standing alone will preclude the problem from happening again.

As we have heard testimony this morning, for many years procedures have been in effect by the Veterans' Administration for the purpose of procuring mortuary services. We also heard that the inspection of those services as required by regulations were not carried out in this case. What we would suggest strongly to the Veterans' Administration, even in view of their issuing of additional procedures and guidelines to all facilities is a reinforcement on a continuing basis that those procedures and regulations must be strictly complied with. This would preclude, we feel, any of this type of situation from happening again.

Mr. Chairman, that concludes my testimony. I would be happy to answer any questions you may have. Thank you.

[The statement of Mr. Gorman appears on p. 74.]

Senator SIMPSON. Thank you very much, Mr. Gorman.

Now, please, sir, Joseph Zoldan, National Commander of the Jewish War Veterans, accompanied by Harris B. Stone, National Executive Director.

STATEMENT OF JOSEPH ZOLDAN

Mr. **Zoldan**. Messrs. Chairmen and members of the House and Senate Veterans Affairs Committees, as the National Commander of the Jewish War Veterans of the United States of America, I appreciate this opportunity to present our views regarding services provided by the Veterans' Administration for deceased veterans whose remains are unclaimed at VA medical centers. This is an issue of great importance to us and we thank the committees for their interest.

The recent incident at Quantico National Cemetery where Veteran Albert W. Reynolds was interred in a cardboard casket demonstrated the need for a congressional hearing on the adequacy of the VA's funeral and burial practices for indigent veterans. We are pleased that VA Administrator Harry Walters took the first step by announcing new standards for caskets the VA provides to inter unclaimed remains. These standards, which forbid the future procurement of cardboard caskets and stipulate as a minimum the use of caskets made of strong particle board, are important for ensuring a dignified burial for indigent veterans.

It should be assumed that men and women who have served honorably in the Armed Forces of our country during their lifetime should be afforded, without question, a dignified burial upon their death. We also believe, however, that when a veteran dies at a VA hospital and no one claims the body, the deceased should be given an honorable burial in accordance with his or her religious convictions.

The Veterans' Administration has been deficient in providing veterans with proper religious interment ceremonies. In the Jewish faith, the most important part of the funeral ceremony is the committal service which must be performed by a Rabbi. If an individual wishes to be buried as a Jew, the performance of this sacred rite is imperative to ensuring a proper, dignified burial. What is clearly needed for all veterans, is a mandate whereby religious functionaries are consulted, prior to burial, to provide the deceased veteran with whatever is necessary to fulfill his or her religious convictions.

Upholding the religious convictions of deceased veterans should be a paramount concern when preparing the funeral and burial service. Preparation for burial of Jewish individuals differs in several ways from religious practices of other denominations. For example, Jewish law mandates that burial occur within 24 to 48 hours of death. Most orthodox and many conservative Jews are embalmed only to the degree dictated by law and not buried in suits or dresses, but in shrouds or sheets. In addition, Jewish law states that a body should be interred in a plain wooden casket with a simple, basic design.

It is with these considerations in mind that we urge action to provide for a religious ceremony of the faith of the deceased veteran to be held, thereby ensuring that this individual is afforded an honorable burial befitting one who has served our Nation. The dignity of the deceased veteran must always be maintained.

I wish to thank you for allowing us this opportunity to present our views on this important issue.

Senator **Simpson**. Thank you very much, Commander Zoldan.

[The prepared statement of Commander Zoldan appears on p. 78.]

Senator **Simpson**. James Magill, please, Veterans of Foreign Wars.

STATEMENT OF JAMES N. MAGILL

Mr. **Magill**. Thank you, Mr. Chairman, for the opportunity to present the views of the Veterans of Foreign Wars with respect to the minimum burial standards for the bodies of veterans whose remains are unclaimed. We all know the unfortunate circumstances regarding the recent burial of a veteran at Quantico have caused many to question the VA's minimum standards for such burials, and whether examples such as this are commonplace.

I would like to first state the VFW has found no reason to suspect such burials are being conducted on a routine basis. I would also like at this time to commend the VA for responding so quickly to correct the problem regarding the type of casket construction material used to contain the remains of veterans. We believe there should be no question as to what minimum burial standards must be performed.

Along with a minimum standard casket, we hope the VA will also consider developing a specific contract to present to funeral homes, make sure that inspection of the body and casket are conducted on a routine basis without exception, and instruct the cemetery superintendents to not allow a burial to proceed when VA minimum standards are violated.

This concludes my statement. I will be happy to respond to any questions you may have.

[The statement of Mr. Magill appears on p. 80.]

Senator **Simpson**. Thank you very much.

Finally, please, Bob Moran of the Paralyzed Veterans of America. I understand this is your first appearance, and welcome you here.

STATEMENT OF BOB MORAN

Mr. **Moran**. Thank you. Mr. Chairman and members of the committees, on behalf of the members of Paralyzed Veterans of America I want to thank you for the opportunity to appear before you today.

I am Bob Moran, PVA associate legislative director. PVA joins our fellow veterans around the Nation in being disturbed to learn of the burial of a veteran in a cardboard casket.

We truly believe that this was an isolated case, but procedures to prevent further such situations must be instituted as the number of our Nation's aging veterans increases, and places an even greater demand on the VA.

PVA was heartened to learn of the VA's response to this incident. A panel was appointed by the VA Administrator to investigate and to determine minimum standards which must be established for burial containers, and all field activities were immediately notified of the requirements.

PVA commends the swift and appropriate action taken by the VA so that in the future such an incident will not be repeated. When contracting for such services, the VA should require thorough inspection to insure that funeral directors are fulfilling their contract or face some form of corrective action.

Mr. Reynold's burial has set into motion the establishment of precedents for the handling of all veterans who pass away, so they will be buried with the dignity and respect they have earned.

Thank you again, Mr. Chairman, and members, this concludes my statement, and I will be glad to attempt to answer any questions that you may have.

[The statement of Mr. Moran appears on p. 83.]

Senator SIMPSON. Thank you very much, Mr. Moran. I don't think I have any questions to ask. I think each of you has given a very fine statement, a very brief statement, a very clear statement. And that you have done that in a modulated way, because this issue could indeed have escaped its bounds with the emotionalism that surrounds it and justifiably so, because we now have seen a responsive VA. We have seen a swift response from the Veterans' Administration. I commend Harry Walters for that swiftness.

I am sure we will see a complete administrative review of this, a hard look at the efficacy of various forms and regulations. I would imagine drafting is going on over there. That is the purpose of an oversight hearing. I think this hearing has disclosed those things, and that it is an isolated instance that will be ever more isolated, indeed, hopefully nonexistent in the future.

So I personally appreciate your being here. And I thank you for your testimony.

I would, Mr. Chairman, now that you have returned from your duties, ask that the remarks of Senator Murkowski of the Senate Veterans' Affairs Committee, who could not be with us this morning, that his statement be included in the hearing record.

Mr. MONTGOMERY. Without objection.

[The statement of Senator Murkowski follows:]

STATEMENT OF HON. FRANK H. MURKOWSKI, A U.S. SENATOR FROM THE STATE OF ALASKA

Mr. Chairman, I think we are all familiar with the appalling incident that occured at Quantico National Cemetery in September of this year. While all evidence seems to indicate that this type of burial was an isolated incident, I feel that it is the duty of these committees and the Veterans Administration to prevent any recurrence of this type of tragic situation.

The vast majority of veterans buried today are fortunate enough to have the benefit of family and friends to assist in funeral arrangements. In fact, approximately 95 percent of our veterans are buried without using the VA monetary benefit. But it is the remaining 5 percent, many of whom are without friend, family, or adequate funding, that we must ensure a proper burial.

This incident focused attention on a flaw in VA burial procedure regulations. When the fact that the casket was made of cardboard was brought to the VA's attention, nothing could be done because at that time there was no standard for casket construction.

I commend VA Administrator Harry Walters for his timely investigation of this incident and for issuing regulations which will hopefully prevent the repetition of this type of incident. Every veteran must be guaranteed funeral arrangements that are appropriate for someone who has served our country during a time of conflict.

I have had the opportunity to review the testimony submitted by the veteran service organizations represented here today. I would like to acknowledge the efforts of the Veterans of Foreign Wars for their diligence in helping to identify the problem and for seeing that the appropriate arrangements were made for Mr. Reynolds. I applaud your interest and input on this issue and cannot over emphasize the importance of the role of veterans service organizations in ensuring the decent burial of all veterans.

Thank you, Mr. Chairman.

Mr. SIMPSON. And I say to you, Mr. Chairman, that it is always a pleasure to work with you, and I enjoy it very much.

Mr. MONTGOMERY. I enjoy it, too. I hope we can do it more often. I think one of the problems we have in the Senate and House is that we are almost in two different cities sometimes the way the committees work together. We don't have that problem on veterans' matters. We do work together. I appreciate your being willing to do it, to push it. It has been your idea to have these joint hearings, and it has been helpful to me.

I only have two questions. First, on the comment of Mr. Bilirakis, maybe you have covered this, about whether veterans organizations could participate more in seeing to a proper burial. You might already be doing that. But for the record would one of you comment on the suggestion that Mr. Bilirakis had?

Mr. LYNGH. Mr. Chairman, I speak for the American Legion. I think you are correct in that in some localities it is probably being done, and some of the colleagues from the other organizations, a great deal of that work is being done on a voluntary basis. Whether it could be made more generalized and whether a formal relationship could be established between the Veterans' Administration and the service organizations to provide a regular service, in particular instances where you had the indigent veteran pass away in a VA facility, I think it certainly is a possibility. And we would be very happy, and I, the other organization can speak for themselves, but speaking for the Legion, we would be very happy to sit down with the Veterans' Administration and explore the possibilities.

Mr. STONE. Mr. Chairman, in our organization we constantly monitor each of the VA hospitals through our VA volunteers and attempt to keep the national organization abreast of what is going on. When we have heard of an indigent veteran, we have when alerted to it, immediately offered our services and have been ready to move in and help. Not in a pejorative way but in a proper way to help the people, whether it is through financial assistance or just by representation. We feel that this is part of the service every veterans' organization must assume.

There is no formalization for this except through the voluntary services and the national service organizations. I think it might not be a bad idea, and we would so recommend to you, that this be part of a VA/veterans service organization responsibility. When a member of the Jewish faith is an indigent veteran, we have seen to it that they are given the proper burial rite, which is terribly important to Jews.

We have also found out a little anecdote, that there was a gentleman to be interred. It was assumed that he was of the Jewish faith. At the last moment we found out he was Catholic. We immediately contacted local members of the Catholic Church and through our good offices we solved that problem immediately. We think that it is terribly important to assist veterans who list their religious preference and desire, and especially when there is no family to arrange for the burial.

I would encourage both committees to see if legislation couldn't be started to ensure that the VA does associate itself with the service organizations to insure that be called in by the hospitals whenever indigent or any veteran needs help, because we may not know about it. If we know help is needed, all of us would be only too willing to participate.

Mr. GORMAN. Mr. Chairman, speaking for the DAV, if I may, we also have a group of national service officers that visits hospitals, VA hospitals. In fact, some are stationed there permanently to assist these or any veterans. Also, our VA volunteer service contributes a million hours on a yearly basis to this kind of service. We, like Mr. Lyngh and Mr. Zoldan, would be happy to consider anything we can do to further the VA's efforts toward rectifying the situation.

Mr. MAGILL. I am positive you could count on the Veterans of Foreign Wars to be cooperative in these matters.

Mr. MONTGOMERY. Since we have Veterans of Foreign Wars, I would just give you my question. I was attending a Veterans Day in Pascagoula, Miss., and the VFW made mention of these weapons, that we were going to have to set up some way—it was going to cost over $300 to get them refurbished where they would work. Are you familiar with that problem, and what we could do about it as far as a firing squad, honor squad?

Mr. MAGILL. Yes, sir. I am not familiar with it to comment on it right now, but I certainly could talk to the appropriate people and get back to you on that.[1] That would be with the problem, as I understand your question, having a cost factor.

Mr. MONTGOMERY. Mr. Lyngh?

Mr. LYNGH. I can contribute this much, Mr. Chairman. The local units of the organization, and I know how the American Legion works, you get these weapons, mostly M-1 rifles, from the Rockford Arsenal. By law they are made available for ceremonial use to service organizations, also with a supply of ammunition. I get a little vague at this point in that when it comes to doing maintenance work on them I am not quite sure whether the Army has the authority to do that. It may be that they have to charge for refurbishing, as you say, doing maintenance work on them.

We haven't had any complaints that I am aware of from our local units about that this is causing them a problem. But we would be glad to look into it if somebody wants to make a point of it.

Mr. MORAN. Mr. Chairman, I would like to comment.

Mr. MONTGOMERY. Mr. Moran.

Mr. MORAN. In reference to the veterans organization helping out on the burials, I believe that like all our fellow veterans organizations we would be very willing to help in this endeavor but there possibly might be a revision of the form 1010 which VA fills out upon admission of a veteran to a VA facility, because in some cases there might be a VA, or veteran in a VA facility for quite some time before he passes away. And a possible revision of this form where there is a place for the veteran to put down if he is a member of a veterans organization and a particular one, where they could be contacted on his death might be very helpful.

---

[1] Retained in committee files.

Mr. **Montgomery**. Thank you.

Mr. Simpson?

Senator **Simpson**. Mr. Chairman, I have a statement of Senator Strom Thurmond; ask that that be entered into the record. And also I express my thanks to Tim Smith of our staff who was active in preparation, Carol De Angelus, the chief clerk, and to your fine staff of the House, Mack Fleming, Rufus Wilson, Arnold Moon, Richard Shultz, and Charley Peckarsky. Thank you very much for your courtesy.

Mr. **Montgomery**. Thank you for mentioning those names. We are very pleased to have this joint hearing.

[The statement of Senator Thurmond appears on p. 85.]

Mr. **Montgomery**. Mr. Chairman, if you don't have any other questions or comments I think this has been a very productive hearing this morning. We want to thank our witnesses for being here and for their patience.

Senator **Simpson**. Mr. Chairman, I did leave off the name of Beatrice Eld, who was very instrumental in this, and Gloria Royce. We thank them, too.

Mr. **Montgomery**. Thank you for mentioning their names.

The subcommittee now stands adjourned.

[Whereupon, at 10:30 a.m., the subcommittee was adjourned, to reconvene subject to the call of the Chair.]

APPENDIX

PREPARED STATEMENT OF HON. G. V. (SONNY) MONTGOMERY

Good morning. This morning we are conducting a joint hearing with the Senate Committee on Veterans' Affairs on the adequacy of VA standards and procedures with respect to the funeral and burial services provided for veterans whose remains are unclaimed at VA medical centers. This is the first hearing ever conducted on this subject, and I believe it is a matter that deserves our attention.

As you know, the adequacy of VA burial standards was questioned recently when newspapers reported that a Navy veteran had been buried at Quantico National Cemetery in a container described to be a cardboard box. Veterans organizations, the Veterans' Administration, and the House and Senate Veterans' Affairs Committees were very disturbed by these allegations and have attempted to determine the facts of the case. The VA responded by reviewing its standards for burial of unclaimed bodies and has issued new regulations. The regulations now state that "caskets shall, as a minimum, be constructed from thick, strong particle board and must be of sufficient strength to support the weight of an adult human body. Cardboard or press paper or similar materials are not acceptable."

Today's hearing was scheduled in order that we all may learn more about the procedures used by the VA when a veteran dies and there is no next of kin to claim the body. A burial benefit of up to $300 is provided for veterans who were at the time of death entitled to pension or compensation or if the veteran dies while hospitalized or domiciled in a VA facility or other facility at VA expense. The allowance may also be paid in cases of certain indigent veterans whose remains are unclaimed. The provision of the benefit is an effort to ensure that no veteran will be buried in a Potters' field. Those who have served this country with honor deserve an honorable burial.

In the majority of cases, the $300 is paid to the funeral director and reduces the amount to be paid by the family. However, in the case of a veteran who leaves no survivors, the Veterans' Administration makes the burial arrangements. It is those cases which now deserve our attention.

I am anxious to hear the testimony of the VA as I am confident that they will detail for us the procedures used. We also welcome as witnesses two distinguished Senators, John Warner and David Pryor, and several veterans service organizations.

STATEMENT BY

SENATOR DAVID PRYOR

before the

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
COMMITTEE ON VETERANS AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES

and

COMMITTEE ON VETERANS AFFAIRS
UNITED STATES SENATE

ON

VA BURIAL BENEFITS

November 16, 1983

Mr. Chairman, I am proud to appear before a joint hearing of these distinguished Committees of the House of Representatives and the Senate. I am also honored to appear in the company of witnesses representing such distinguished organizations which speak on behalf of veterans.

Mr. Chairman, I was shocked and dismayed to read in the Washington Post on October 17 that a veteran of the United States Navy had been buried in a cardboard casket at Quantico National Cemetery in Virginia.

I found it appalling that this could happen to deceased veterans who leave no money or resources for burial expenses.

I therefore wrote to the Administrator of the Veterans Administration expressing my intention to introduce legislation to provide $1 million to meet this need. During Senate consideration of the Supplemental Appropriations Bill, I did introduce together with Senator John Warner of Virginia an amendment to provide financial assistance to any program carried out by a state to assure an honorable burial for each veteran who is buried in that state and, who during the year ending on the date of the veteran's death, received less than $10,000 in income of any kind.

The distribution formula under that proposal would be based on the veteran population in each state and the program would be administered by the states in whatever capacity serves veterans and their interests. I pointed out that Arkansas has a fine and sensitive Department of Veterans Affairs that could assume responsibility for the project. Most of the states maintain similar operations and would be fully equipped to administer the program.

Following Senate debate on our proposal, Senator Warner and I withdrew our amendment based on the excellent proposal by the Chairman of the Senate Veterans Affairs Committee that this issue first be considered in these hearings and his assurance that regulations and procedures had been established to make sure that such incidents would not occur again before Congress could take action on this issue.

I have also received a response from Harry Walters, Administrator of the Veterans Administration, notifying me of new specifications governing contracts with local funeral directors for the purchase of caskets and burial of indigent veterans.

Mr. Chairman, the group of veterans at least 65 years of age, presently numbering around four million, will grow to nearly nine million by 1999. Additionally, 60 percent of all veterans served by V.A. Hospitals make less than $10,000 a year. There are a lot of poor and elderly veterans in this country and, sadly, many who will be unable to pay for their own funerals.

I believe that Congress must be responsive to the problem. I believe we must make sure that no veteran in the future need fear that lack of personal funds will mean that an honorable burial will be unavailable. These patriotic Americans have served our country well and their burial arrangements should honor them for their service to our country.

Finally, I wish to call the attention of the Committees to the efforts of Mr. John E. Sullivan, District Commander of the Veterans of Foreign Affairs in Northern Virginia to make sure that appropriate action is taken to respond to this incident.

Office of the
Administrator
of Veterans Affairs

Veterans
Administration

Honorable David Pryor
United States Senate
Washington, D.C. 20510

Dear Senator Pryor:

Thank you for your letter of October 19. I wholeheartedly share your concern that all veterans receive proper and dignified burials regardless of their station in life.

We have initiated an investigation into the circumstances of the burial of Mr. Albert W. Reynolds, as reported in the Washington Post on October 17, 1983. At this time, the exact nature of the materials used in construction of the particular casket in question has not yet been confirmed. However, to preclude the possibility of similar incidents in the future, new specifications governing contracts with local funeral directors for the purchase of caskets and burial of indigent veterans have already been issued which state that caskets constructed of cardboard, press paper or similar materials "are not, repeat not, acceptable." The new specifications require, at a minimum, that caskets be constructed from thick, strong particle board and must be of sufficient strength to support the weight of an adult human body.

I am certainly interested to learn of your intention to introduce legislation to provide funding to states through the Department of Defense for burials of indigent veterans. In that regard, however, you should be aware that section 403 of Pub. L. No. 97-306, the "Veterans' Disability Compensation, Education and Employment Amendments of 1982," enacted last October, amended section 902 of title 38, United States Code. It authorized VA to make payment of up to $300 in burial and funeral expenses in cases of certain indigent veterans whose bodies are held by a State, or political subdivision thereof, and were either wartime veterans or were discharged from active service for disabilities incurred or aggravated in line of duty, but who at death were not in receipt of VA disability compensation or pension. The amendment applies with respect to deaths occurring after September 30, 1982.

Honorable David Pryor

In the event you introduce new legislation, we will of course be pleased to furnish our comments upon request of the chairman of the committee to which the bill is referred for consideration.

I am assured the vast majority of funeral homes handle veterans' burials with dignity and compassion. The VA has taken steps to prevent recurrence of any further exceptions to that practice.

Sincerely,

Harry

HARRY N. WALTERS
Administrator

STATEMENT OF

MARJORIE R. QUANDT

ASSISTANT CHIEF MEDICAL DIRECTOR FOR ADMINISTRATION

BEFORE THE

COMMITTEES ON VETERANS' AFFAIRS

November 16, 1983

Mr. Chairman and Members of the Committees, I am here today to discuss VA policy on the burial of veterans who die in VA medical centers, specifically those times when no family or friend can be found to accept the responsibility for funeral and burial arrangements. I am accompanied by Mr. Paul T. Bannai, Chief Memorial Affairs Director; Mr. Clyde Cook, Director, Office of Procurement and Supply; and Mr. John P. Murphy, the General Counsel.

This hearing was brought about by concerns of the Committees and the Veterans Administration over an appalling incident at the Quantico, Virginia, National Cemetery, where, on September 12, 1983, the remains of Mr. Albert W. Reynolds, a World War II veteran, were interred. Several reports alleged that the veteran's body was delivered to the cemetery for burial in a casket made of cardboard. Mr. Chairman, I am deeply sorry to report to you that we have confirmed that allegation. At the request of a local Veterans of Foreign Wars post, the Superintendent at Quantico supervised the disinterment of the veteran's body on November 9. Not only was the original allegation confirmed, but also we discovered that the body was not embalmed and not clothed. After appropriate arrangements by the V.F.W. post, Mr. Reynolds' body was reinterred at Quantico in a more honorable and dignified manner on November 10.

Before discussing our findings and recommendations, I want to convey to the Committees a personal assurance from the Administrator of Veterans Affairs, and from all VA staff--particularly those of us who are responsible for administering these services--that we believe in an honorable and dignified burial for all those who served their country; most especially, we are committed to assure honorable and dignified burials for those who die without friends or relatives and for whom we must make the funeral arrangements.

We believe the vast majority of VA employees, the funeral home industry, the funeral directors' profession and cemeteries throughout the United States carry out their several responsibilities for veterans' burials with sensitivity, dignity, empathy and great care.

As you know, Mr. Chairman, section 903(a) of title 38, United States Code, authorizes the payment of a burial allowance when a veteran dies while properly hospitalized in a VA facility. Only a few of these cases involve the type of situation that occurred at Quantico, in which the veteran had no friends or relatives to supervise his interment. Although we do not have exact figures, we believe there are fewer than 500 cases each year in which the veteran dies in a VA facility and the body is unclaimed.

The facts of the Quantico incident are as follows:
The veteran, who served honorably in World War II, was admitted to the VA Medical Center here in Washington for the treatment of a pervasive cancer of his neck and mouth. During the early morning hours of September 7, 1983, the veteran died from the end stages of this disease. From his records we knew of a son and a sister, but in our efforts to contact the sister we discovered she had predeceased the veteran and we could not locate the son. The name of a friend also was mentioned in his record, but our efforts at contact proved futile. On September 9, a medical center staff member went personally to the veteran's residence to make inquiry which might lead us to a family member, or some other responsible person, but this, too, proved unsuccessful.

Medical center staff arranged for a local funeral director to prepare the veteran's remains for burial, and transport the body to Quantico. In the case of this veteran, I regret to inform the Committees that we did not inspect the services provided. We cannot and will not attempt to excuse ourselves from our responsibilities: we failed to ensure that proper care be taken of the veteran's remains by the funeral director with whom we had contracted.

A funeral-home employee delivered the remains to Quantico on September 12. The container was rectangular in shape with a one-piece lid and had to be opened in order to determine which end was the head of the casket. This is important because the head of the casket is placed at the end where the headstone will be. There was no flag. During our preliminary investigation, no VA employee described the casket as being made of cardboard; rather, the material was described as being thicker than the type of paperboard used in fold-up furniture, with a wood-grain finish and side handles. It did not sink or sag, nor did it collapse.

As the casket was ready to be removed from the hearse, a VA gravesite employee questioned its adequacy and alerted the cemetery foreman and the Quantico National Cemetery superintendent, Mr. Joe D. Willard. Mr. Willard, having inspected the casket, called the VAMC and conferred with the Decedent Affairs Officer and the Purchasing Agent. Mr. Willard was advised that, as there were no minimum standards in effect, VA had no choice but to accept the casket. Mr. Willard then directed the employees to proceed with the veteran's interment.

Looking back, it is regrettable that no recommendation to require minimum standards was made at that time. On the other hand, we have every reason to believe that this was an isolated incident.

On October 13, Administrator Walters convened a panel headed by Mr. Bannai to investigate further and make recommendations to ensure against repetition. The panel having met and made its recommendations, all VA Medical Centers were informed by TWX on October 19, as follows: "When purchasing caskets for the burial of veterans pursuant to VAPR 8-4.5102, such caskets shall, as a minimum, be constructed from thick, strong particle board and must be of sufficient strength to support the weight of an adult human body. Cardboard or pressed paper or similar materials are not acceptable."

Mr. Chairman, in these cases we follow procedures outlined in Subpart 8-4.51 of title 41, Code of Federal Regulations. If the body is unclaimed, the Chief, Medical Administration Service is to notify the Chief, Supply Service. The contracting officer is to negotiate an agreement with a local funeral director to provide a complete funeral and burial within the $300 statutory limit. As a matter of administrative necessity, the VAMC director may authorize additional funds if it appears the statutory allowance is insufficient. As set forth in section 8-4. 5102(b), this must include preparation of the body, embalming, clothing, casket, and necessary permits. An additional amount is allowed for transportation and necessary shipping cost. Burial is made in the closest National Cemetery with space available.

As a matter of administrative necessity VA also arranges for the funerals and burials of persons who die in VA facilities but who are not legally entitled to VA care, when no one steps forward to claim the remains and State or local officials decline responsibility. In such cases, interment at a National Cemetery is provided, if the individual is an eligible veteran. If not, other arrangements are made by the funeral director.

These procedures necessarily require coordination between the Department of Medicine and Surgery, the Office of Procurement and Supply, and Memorial Affairs.

While each of the services has a role to play, D.M.& S. is primarily responsible for certifying the adequacy of the funeral home's work. In our policies and procedures manual, we specify that the Chief, Medical Administration, is responsible for inspecting the mortuary services and any merchandise provided by the funeral home.

No in-person inspection was carried out in the case of this veteran. To prevent any similar failure, the CMD has notified the VAMC directors in each of our VA Medical Centers, of the importance of assuring an in-person inspection in accord with policy.

Mr. Chairman, D.M. & S. is also responsible for assuring that a United States flag is furnished to drape the casket of the deceased veteran who dies in a VA facility, by applying for the flag and by assuring its presence on the casket. In addition, our policy manual requires the funeral director to sign a receipt for the flag. Our records indicate a flag application in this veteran's case and the funeral director's receipt. We cannot account for the fact the flag did not accompany the casket to Quantico. The CMD has notified the VAMC directors that a proper inspection includes inspection of the flag.

Also, directives have been issued to all National Cemetery Superintendents and Medical Center Directors to reemphasize our various responsibilities in contract burials. We intend by our actions to prevent a recurrence of this sort of unfortunate incident. We request those documents be added to the record.

Mr. Chairman, in a letter to the Commander-in-Chief of the Veterans of Foreign Wars, Mr. Walters emphasized that this was an appalling but isolated incident. We have appended a copy of that letter for the Committees' information.

Our review--conducted together with the Office of Procurement and Supply and the Department of Memorial Affairs--has disclosed no information suggesting the likelihood of repetition. I observe also that we do not regard the current $300 limitation as in any way responsible for this unfortunate incident. Nevertheless, we are reviewing our regulations and policies and will recommend clarifications, when necessary, to safeguard against repetition.

Mr. Chairman, I trust my remarks have provided you some useful information about these matters. If you have additional questions, my associates and I will endeavor to address them. Thank you.

VACO WASH DC R

10/18/83

W. GEIBEL (91A) 3576 X

ALFLD

00/90 WHEN PURCHASING CASKETS FOR THE BURIAL OF VETERANS PURSUANT TO VAPR 8-4.5102, SUCH CASKETS SHALL, AS A MINIMUM, BE CONSTRUCTED FROM THICK, STRONG PARTICLE BOARD AND MUST BE OF SUFFICENT STRENGTH TO SUPPORT THE WEIGHT OF AN ADULT HUMAN BODY. CARDBOARD OR PRESS PAPER OR SIMILAR MATERIALS ARE NOT, REPEAT NOT, ACCEPTABLE. 91A/90

cc: 005
40
136
90RF
Day File

Department of Memorial
Affairs

**Veterans
Administration**

In Reply Refer To: 40

Directors
VA National Cemetery Area Office, Atlanta, GA
VA National Cemetery Area Office, Philadelphia, PA
VA National Cemetery Area Office, San Francisco, CA

SUBJECT: Burial of Veterans From VA Medical Facilities

1. The purpose of this letter is to bring to the attention of cemetery directors their responsibility in interring the remains of veterans who die in VA Medical Centers and have no known next of kin.

2. The cemetery director will ensure that when funeral services are funded by the Veterans Administration, the casket that is furnished is as a minimum, constructed from thick strong particle board, and of sufficient strength to support the weight of an adult human body. Cardboard, pressed paper or similar materials are not acceptable.

3. Upon arrival (of a Veterans Administration funded funeral), at the National Cemetery, the cemetery director or his representative will inspect the casket for compliance with instructions outlined above. Should the casket not be in compliance, the funeral service will not be held, and the appropriate officials at the VA Medical Center will be advised of the non-compliance. The contracted funeral director will be advised by the cemetery director that due to non-compliance of a standard casket the funeral service will not be permitted.

4. The cemetery director will immediately advise the respective National Cemetery Area Office, giving full details regarding the case in point. The cemetery director will provide a detailed written after action report on the incident to the Director, National Cemetery Area Office within two days.

5. The Director, National Cemetery Area Office, will advise the Chief Memorial Affairs Director, of the incident and what actions have been taken and any recommendations. The Director, National Cemetery Area Office, will then provide a detailed written after action report to the Chief Memorial Affairs Director, within five days.

PAUL T. BANNAI
Chief Memorial Affairs Director

TELEGRAPHIC MESSAGE

NAME OF AGENCY VACO WASH., DC 20420	PRECEDENCE ACTION: INFO:	SECURITY CLASSIFICATION
ACCOUNTING CLASSIFICATION	DATE PREPARED 11/10/83	FILE
FOR INFORMATION CALL		
NAME JERRY HANES (136F)	PHONE NUMBER 389-2337	TYPE OF MESSAGE ☐ SINGLE ☐ BOOK ☐ MULTIPLE-ADDRESS

THIS SPACE FOR USE OF COMMUNICATION UNIT

PLEASE RESTRICT TRANSMISSION TO 69 CHARACTERS PER LINE

MESSAGE TO BE TRANSMITTED *(Use double spacing and all capital letters)*

TO:
DIRECTORS, ALL DM&S FIELD ACTIVITIES; (REGIONAL DIRECTORS)

00/136 THIS IS DM&S CIRCULAR 10-83-189 (DTD 11-10-83)

SUBJ: VA CONTRACT BURIALS

1. PARA. 14.37 OF DM&S MANUAL M-1, PART I, CHAPTER 14, PROVIDES THAT THE CHIEF, MEDICAL ADMINISTRATION SERVICE OR HIS/HER REPRESENTATIVE IS RESPONSIBLE FOR THE INSPECTION OF THE MORTUARY SERVICES AND MERCHANDISE FURNISHED IN THE CASE OF VA CONTRACT BURIAL OF THE UNCLAIMED REMAINS OF ELIGIBLE VETERANS WHO DIE WHILE RECEIVING VA INPATIENT CARE. THIS RESPONSIBILITY ALSO INCLUDES THE CERTIFICATION THAT THE SERVICES AND MERCHANDISE HAVE BEEN FURNISHED.

2. WHEN PERFORMING THESE INSPECTIONS, ACTION WILL BE TAKEN TO INSURE:

(A) THAT THE CASKET IS, AS A MINIMUM, CONSTRUCTED FROM THICK, STRONG PARTICLE BOARD AND IS OF SUFFICIENT STRENGTH TO SUPPORT THE WEIGHT OF AN ADULT HUMAN BODY. CARDBOARD OR PRESSED PAPER OR SIMILAR MATERIALS ARE NOT, REPEAT ARE NOT, ACCEPTABLE.

(B) THE BODY IS PROPERLY EMBALMED AND IS PROPERLY PLACED IN THE CASKET DRESSED IN APPROPRIATE CLOTHING. ADDITIONALLY, THE FUNERAL DIRECTOR WILL BE ADVISED THAT THE U.S. FLAG, WHICH THE VA FURNISHES, IS TO DRAPE THE CASKET AT THE TIME OF A FUNERAL SERVICE.

3. THIS CIRCULAR EXPIRES NOVEMBER 9, 1984.

136F/10A

SECURITY CLASSIFICATION

1 1

John A Gronvall M.D.

STANDARD FORM 14
REVISED 11-80
GSA FPMR (41 CFR) 101-35.306

Previous editions usable

Office of the
Administrator
of Veterans Affairs

**Veterans
Administration**

NOVEMBER 8 1983

Mr. Clifford G. Olson, Jr.
Commander-in-Chief
Veterans of Foreign Wars of the
United States
VFW Building
200 Maryland Avenue, N.E.
Washington, DC 20002

Dear Mr. ~~Olson~~: Cliff

I found the incident regarding the recent burial at the Quantico National Cemetery both distressing and inexcusable. I do feel, however, that this was an isolated incident rather than a manifestation of inappropriate or non-existing regulations and policy.

Our current procurement regulations require burial of unclaimed remains in the nearest National Cemetery having available grave space and further specify that burial services are to include preparation of the body, embalming, clothing, casket and securing all necessary permits within the $300 statutory limitation. All transportation expenses are allowable without regard to the statutory limitation. Additionally, an administrative waiver of the $300 limit is provided if a full and complete burial cannot be obtained for $300. Further guidance is provided in VA policies and procedures covering administrative processing and oversight of the mortuary and burial services.

While we have effectively utilized our current regulatory coverage for approximately 20 years, the appalling event at Quantico indicates that further contractual guidance is necessary. As you have suggested, our Office of Procurement and Supply has instructed all of its contracting activities to ensure that funeral homes performing mortuary services for our unclaimed deceased veterans provide caskets of sufficient strength and durability. We are also reviewing our policies and procedures for processing unclaimed remains in order to determine if revisions or clarification are necessary. We hope in these ways that there will be no recurrences of the unfortunate incident at Quantico.

We do appreciate your concern in this matter and you have my assurance that we will do whatever is necessary to correct the problem.

Sincerely,

Harry

HARRY N. WALTERS
Administrator

SIGNED AND DISPATCHED
NOV 8 - 1983
ADMINISTRATOR'S OFFICE

VACO,
Washington, D.C., November 23, 1983.

ALL DM&S FACILITIES: SUBJECT: CONTRACT MORTUARY SERVICES.

1. All contracting personnel should be thoroughly conversant in the requirements of VAPR subpart 8-4.51, regarding the contract burial services for eligible veterans who die while under VA care and whose remains are unclaimed. The purchase order form 90-2138, should clearly identify the services to be performed as specified in 8-4.5102, including the minimum standards for the casket which have been transmitted to you.

2. It is also essential that the funeral directors be fully qualified and understand their obligation under the contract. In this regard, certification of the funeral director's qualifications by the chief, MAS would be beneficial. The funeral director should be licensed and a precontract site visit by the contracting officer and/or the MAS designee should be performed to insure the adquacy of the casket and the competence of the funeral home.

3. Be aware of the requirements for delegating to medical administration service the responsibility for the inspection of contract performance in M-1, part I, section 14.37. Also, be aware of the provision regarding tbe U.S. flag to be used for burial purposes in M-1, part I, section 14.40. This flag should accompany the casket to the national cemetery. The funeral director must be apprised of his responsibility in this regard.

4. VAPR 8-4.5103 provides a procedure for obtaining a waiver in the event the above funeral services cannot be obtained within the statutory elements. In order that we may assess the adequacy of that limitation, we would appreciate your forwarding a copy of each waiver to this office (91). The waiver should include the price which is to be paid. Any questions should be referred to Chris Figgs, FTS (389-2334). The VAAR will include a subpart incorporating mortuary service contracts.

TESTIMONY OF SENATOR JOHN W. WARNER
BEFORE THE COMMITTEES OF THE HOUSE AND SENATE
ON VETERANS AFFAIRS

JOINT OVERSIGHT HEARINGS ON THE ADEQUACY OF
V.A. STANDARDS AND PROCEDURES
WITH RESPECT TO FUNERAL AND BURIAL SERVICES
FOR CERTAIN CATEGORIES OF VETERANS
WEDNESDAY, NOVEMBER 16, 1983

MESSRS. CHAIRMEN AND MEMBERS OF THE COMMITTEES:

I THANK SENATOR SIMPSON AND CONGRESSMAN MONTGOMERY FOR ALLOWING ME TO TESTIFY AT THIS IMPORTANT HEARING.

THEIR SENSITIVITY TO THIS MATTER REFLECTS THE CONCERN OF ALL MEMBERS OF CONGRESS. IT ALSO DEMONSTRATES THE HIGH ESTEEM IN WHICH OUR NATION HOLDS THOSE WHO SERVED SO WELL.

THE RECENT EVENTS IN LEBANON AND GRENADA REMIND US ALL OF THE PRECIOUS PRICE OUR SERVICE PEOPLE PAY FOR OUR FREEDOM. SEVERAL HUNDRED OF OUR FINEST YOUNG MEN HAVE GIVEN THEIR LIVES. HUNDREDS MORE WERE WOUNDED OR INJURED.

(MORE)

SINCE WORLD WAR II, AND EXCLUDING KOREA AND VIETNAM, U.S. FORCES HAVE RESPONDED TO 250 INCIDENTS THROUGHOUT THE WORLD.

OUR VETERANS KNOW THAT FREEDOM IS NOT FREE. THEY ACCEPTED THE RISKS INHERENT IN DEFENDING THE IDEALS UPON WHICH AMERICA WAS FOUNDED.

TODAY, THERE ARE OVER 28 MILLION VETERANS IN THE UNITED STATES, ITS TERRITORIES AND PROTECTORATES. MORE THAN FOUR MILLION ARE 65 YEARS OF AGE OR OLDER.

BY THE TURN OF THE CENTURY, THE NUMBER OF VETERANS OVER 65 IS EXPECTED TO INCREASE TO NEARLY NINE MILLION.

IT IS INEVITABLE THAT EVEN GREATER NUMBERS OF VETERANS WILL DIE WITHOUT SURVIVING FAMILY MEMBERS AND WITHOUT SUFFICIENT FUNDS FOR INTERMENT. MORE VETERANS WILL REQUIRE FUNDS TO MEET THESE NEEDS.

THE RECENT SAD EXAMPLE OF THE INTERMENT OF A NAVY VETERAN AT QUANTICO NATIONAL CEMETERY IN AN UNSUITABLE CASKET ILLUSTRATES THE NEED FOR CONTINUING OVERSIGHT OF VETERANS ADMINISTRATION ACTIVITIES THAT YOUR COMMITTEES SO ABLY PROVIDE.

I COMMEND THE HONORABLE HARRY N. WALTERS, ADMINISTRATOR OF THE V.A., FOR HIS ACTION IN THIS INCIDENT.

WHEN THE FAILURE OF CURRENT VA REGULATIONS TO SET MINIMUM STANDARDS WAS BROUGHT TO HIS ATTENTION, HE PROMPTLY CONVENED A REVIEW WHICH QUICKLY LED TO CLARIFIED REGULATIONS.

NEVERTHELESS, IT HAS RAISED QUESTIONS IN THE MINDS OF MANY OF OUR VETERANS, THEIR LOVED ONES AND OUR CITIZENS IN GENERAL.

THEY WANT TO KNOW THAT WE ARE TAKING CARE OF THE FUNERAL AND BURIAL NEEDS OF OUR INDIGENT VETERANS IN A DIGNIFIED MANNER.

THEY WANT TO KNOW THAT WE ARE TREATING WITH PROPER RESPECT THE REMAINS OF THOSE WHO SERVED THEIR NATION WHEN IT NEEDED THEM.

THEY WANT TO KNOW THAT NO VETERAN NEED FEAR A PAUPER'S FUNERAL IF HE DIES WITHOUT FUNDS AND WITHOUT KNOWN RELATIVES.

THOSE CONCERNS GO BEYOND JUST THE TYPE OF CASKET.

THEY ARE ROOTED IN OUR BELIEFS THAT THE NATION OWES A DEBT TO THOSE WHO SERVED IN ITS DEFENSE.

THOUGH THAT DEBT CAN NEVER REALLY BE REPAID, WE MUST ASSURE THAT THE GUARDIANS OF OUR FREEDOM RECEIVE THE LAST FULL MEASURE OF OUR RESPECT WHEN THEY ARE LAID TO REST.

THE VETERANS ADMINISTRATION ADMINISTERS A PROGRAM PROVIDING BURIAL ALLOWANCES FOR CERTAIN ELIGIBLE VETERANS WHICH ADDRESSES PART OF THIS NEED.

HOWEVER, IT DOES NOT COVER ALL THOSE WHO ARE IN NEED, NOR DOES IT FULLY REIMBURSE, IN ALL CASES, THE EXPENSES INVOLVED.

I BELIEVE THAT THIS HEARING IS AN APPROPRIATE FORUM TO EXAMINE THESE BENEFITS TO SEE IF THEY ARE CORRECT FOR EXISTING AND FORESEEN NEEDS.

IN THE FINAL ANALYSIS, IT IS OUR RESPONSBILITY TO ENSURE THAT THE NATION'S DEBT TO THOSE WHO SERVED THEIR COUNTRY IS HONORED.

I APPLAUD THE JOINT ACTION OF THESE COMMITTEES TO REVIEW THE ADEQUACY OF EXISTING STANDARDS AND PROCEDURES.

THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY.

TESTIMONY OF NOEL C. WOOSLEY

NATIONAL SERVICE DIRECTOR, AMVETS

Before The

SENATE VETERANS AFFAIRS' COMMITTEE

AND THE SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

COMMITTEE ON VETERANS' AFFAIRS

U. S. HOUSE OF REPRESENTATIVES

November 16, 1983

Hearing on the Adequacy of VA Standards and Procedures with Respect to the Funeral and Burial Services Provided for Veterans Whose Remains are Unclaimed at VA Medical Centers.

I am Noel Woosley, National Service Director of AMVETS. We appreciate the opportunity to express our views on VA burial standards, particularly in view of the recent unfortunate incident involving the burial at Quantico of the unclaimed body of a Navy veteran in a so-called "cardboard" casket, and apparently in violation of VA Directives requiring embalming, and inspection of the remains before burial.

The Administrator of Veterans Affairs and the Chief Memorial Affairs Director rapidly responded in this case with compassion by issuing minimum standards for caskets for the unclaimed remains of veterans. These standards prescribe that the caskets be constructed of thick, strong boards of sufficient strength to hold the weight of an adult. The revised standards have been issued as procurement criteria for inclusion in contracts with funeral directors. AMVETS would also like to see these or similar minimum standards incorporated into Chapter 23 of Title 38. In addition, consideration should be given to providing appropriate military uniforms for the unclaimed remains. These could probably be procured at minimum or no cost from the surplus stocks of the services.

The use of a cardboard casket in the Quantico incident resulted from the unscrupulous corner cutting of a funeral director. However, careful consideration should be given to raising the burial allowance in Chapter 23, after the views of the undertaking industry, as well as the VA and the veterans organizations are heard.

This concludes my testimony. I will be happy to respond to questions.

Statement of

The American Legion

1608 K STREET, N. W.
WASHINGTON, D. C. 20006

PAUL S. EGAN, DEPUTY DIRECTOR
NATIONAL LEGISLATIVE COMMISSION
THE AMERICAN LEGION

and

ROBERT E. LYNGH, DIRECTOR
NATIONAL VETERANS AFFAIRS AND REHABILITATION COMMISSION
THE AMERICAN LEGION

before the

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
COMMITTEE ON VETERANS AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES

and

COMMITTEE ON VETERANS AFFAIRS
UNITED STATES SENATE

on

VA BURIAL BENEFITS

NOVEMBER 16, 1983

STATEMENT OF ROBERT E. LYNGH, DIRECTOR
NATIONAL VETERANS AFFAIRS AND REHABILITATION COMMISSION
THE AMERICAN LEGION
BEFORE THE JOINT SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
HOUSE AND SENATE COMMITTEES ON VETERANS AFFAIRS
NOVEMBER 16, 1983

Messrs. Chairmen and Members of the Joint Committee:

The American Legion appreciates this opportunity to present its views on the current status of Veterans Administration standards and procedures regarding funeral and burial services and benefits for our Nation's veterans.

Before discussing the present position of the Legion on these subjects, the recent situation involving the veteran who was buried in a site at the Quantico National Cemetery, wrapped in a single sheet and placed in a cardboard casket, must be briefly mentioned. The American Legion is appalled at this occurrence and has informed the proper officials of the VA that it must not ever be allowed to happen again. We assume the members of this joint Committee, like The American Legion, have been inundated with phone calls from concerned citizens across the country regarding this unfortunate situation. The American Legion suggests members of this joint Committee can use this incident as a gage to measure the opinion of citizens generally concerning the obligation we all share to provide a decent burial to those who defended the national interest in the Armed Forces of the United States. The reaction in this case serves as support for the Legion's position that all eligible veterans must receive a funeral and burial consistent with the dignity and esteem in which war veterans are held. Our veterans expect no more, and deserve no less.

Messrs. Chairman, this brings us to the subject of burial benefits, and the eligibility changes for the basic burial allowance as enacted by Public Law 97-35, the Omnibus Budget and Reconciliation Act of 1981, approved August 13, 1981. It is the opinion of The American Legion that the most significant benefit taken away from all veterans by the aforementioned Act was the burial benefit that had been payable at time of death to all war veterans having honorable service. The American Legion opposed the reduction, because it placed an economic value on a benefit that was freely given by Congress to insure that all veterans would be buried with dignity and respect, regardless of their income or social standing at time of death. We commend Congress for adopting legislation last year that at least assured a benefit to provide decent burial to veterans who were indigent when they died. However, the present restrictions violate the Legion's long held principle of equal benefits for equal service.

The American Legion's policy on improving the National Cemetery System and death and burial benefits for veterans is set forth in Resolution No. 384 (New York), approved by the Delegates to the 1982 National Convention. In part, this resolution, and Resolution No. 394 (Wisconsin), of our 1982 National Convention, mandated the Legion to sponsor and support legislation to restore the burial allowance as a benefit to be provided for the burial of all honorably discharged war veterans, and to increase the burial allowance to $400, excluding the plot allowance. Based upon that policy, H.R. 1479 has been introduced on behalf of this organization. The enactment of this measure would correct the inequity brought about by PL 97-35, that eliminated the $300 burial benefit payable toward the funeral expenses of a deceased veteran, except for those receiving compensation or pension at the time of death, or those who die in a VA hospital.

It is a fact that more than half the veteran population of the United States does not request or receive any benefit or recognition for service to the nation. To this extent, we again stress that the burial benefit was the single benefit that applied to all veterans, with the exception of the home loan guaranty, which is not a cash benefit. Most veterans never use veterans hospitals. Only about half of the veteran population have utilized the GI Bill program. The burial benefit was therefore, the only monetary recognition received by all veterans from their government for their honorable service in time of war. In 1981, when this benefit was eliminated, a severe injustice to our veteran population resulted. That injustice should be rectified. There will be in excess of 360,000 veteran deaths during FY 1984, and 95% of those who die will receive no monetary benefit to facilitate their burial. In addition, the cost of funeral arrangements and burial are now considerably higher than in October 1978, when the allowance was increased to $300 as a result of the enactment of PL 95-479; and in many instances the families of veterans have limited resources with which to provide for them a decent funeral.

The American Legion rejects the proposition that the burial allowance provided to veterans through the Veterans Administration duplicates the social security burial allowance. We stress that the social security burial allowance is an earned benefit to which the beneficiary has contributed through social security taxes, whereas the veteran's burial allowance is a benefit provided in recognition of honorable service performed in the Armed Forces of the United States.

At this time Messrs. Chairmen, we would like to address the issue of the inadequate allowance currently authorized for purchasing burial plots. The present burial plot allowance for veterans has been set at $150 since the enactment of PL 93-43, in June 1973. Since that time, the cost of burial plots has considerably increased. The American Legion perceives that many families of veterans have limited means to provide for the purchase of an appropriate burial site. Additionally, the locations of national cemeteries precludes many veterans from utilizing them. It is understood that the majority of veterans desire to be buried in family burial plots, or in cemeteries located nearest their homes. To this extent, Resolution No. 218 (Illinois), was approved and adopted, mandating our organization to sponsor and support legislation to increase the present burial plot allowance for veterans from $150 to $250. It has been over ten years since the last increase, and with double digit inflation during most of that period, it is time to adjust the monetary level of this benefit to an amount more consistent with reality.

In summary Messrs. Chairmen, we must again stress that restoration of the burial benefit is a matter of the utmost importance to both our veterans and our citizens as well. The intense level of concern and compassion outside the veteran community was demonstrated during the recent cardboard casket incident. American Legion personnel across the country attempted to answer questions from the public who could not comprehend how our government could allow this to happen to one who risked life and limb for his country. Our Washington and Indianapolis staffs responded to questions from outraged citizens, veterans, and veteran's families, by citing this recent incident certainly as the exception, and not the rule. We defended our government, and the benefits provided, to the degree we felt we could. We remind this joint Committee that this particular veteran was eligible for the $300 burial benefit because he expired in a VA hospital. We do not know what would have been the outcome of this particular case if this $300 benefit had not been available. The truth of the matter is that in these economic times, the $300 benefit by itself, does not buy more than the lowest cost casket for a veteran. In fact, even with the 25% proposed increase, the burial benefit will still serve as partial payment of burial expenses for most, but more importantly, the only payment for many.

Likewise, we remind this joint Committee of the projected 360,000 veteran deaths that are expected this fiscal year. Of these, approximately 342,000 (95%) will receive no monetary benefit to facilitate their burial. We do not know what will happen to many of them, who die with none, or with limited resources. We do know that many local jurisdictions have used the VA allowance to at least provide a decent burial in a Potter's Field.

Nor, can we concern ourselves only when a media splash highlights an individual case. The cliche of "out of sight, out of mind", has never been the policy of Congress or the American people, where veterans are concerned, but even its partial application following death, is dismaying. The American Legion is convinced that our government is sensitive to the issue of ensuring that all veterans are buried with the same level of dignity that distinguished their service. The issue is not one to be placed under the economics umbrella either. Reinstatement of the burial benefits and the proposed increases are high priority concerns, not high priced concerns when the alternatives are considered.

The availability of a dignified funeral and burial is the right of all citizens, and especially of those who have served the nation. We therefore petition the joint Committee to further consider these matters in the hope it can recommend the benefit be restored and the proposed increases be approved.

Once again, we thank the joint Committee for receiving our views.

Attachments: Res. No. 384 (New York)
Res. No. 394 (Wisconsin)
1982 National Convention

Res. No. 218 (Illinois)
1983 National Convention
The American Legion

SIXTY-FOURTH ANNUAL NATIONAL CONVENTION OF THE AMERICAN LEGION
CHICAGO, ILLINOIS, AUGUST 24, 25, 26, 1982

RESOLUTION: No. 384 (New York)

COMMITTEE: Veterans Affairs and Rehabilitation

SUBJECT: The American Legion Policy on improving the National Cemetery System and death and burial benefits for veterans

WHEREAS, the National Cemetery System of the Veterans Administration is proceeding with development and expansion of the National Cemetery System; and

WHEREAS, The American Legion supports the actions by the Veterans Administration to further develop and expand the National Cemetery System; and

WHEREAS, legislation enacted by Congress and signed by the President in 1981 took away the burial benefit previously provided for the burial of all honorably discharged war veterans; and restricted that benefit to certain categories of veterans; and

WHEREAS, based on its support of the principles of equal benefits for equal service, The American Legion has strongly supported the equity of the provision of the burial benefit to all honorably discharged war veterans; now, therefore, be it

RESOLVED, by The American Legion in National Convention assembled in Chicago, Illinois, August 24, 25, 26, 1982, that The American Legion call upon the Veterans Administration to establish additional national cemeteries wherever a need for them is apparent; and, be it further

RESOLVED, that The American Legion shall support legislation to provide contract burials for veterans who are indigent at time of death; and, be it further

RESOLVED, that The American Legion shall support necessary funding providing for the construction of columbaria and mausoleums wherever feasible within national cemeteries; and, be it finally

RESOLVED, that The American Legion shall sponsor and support legislation to restore the burial allowance as a benefit to be provided for the burial of all honorably discharged war veterans, and provided further that this burial allowance shall not be in an amount less than $400.

SIXTY-FOURTH ANNUAL NATIONAL CONVENTION OF THE AMERICAN LEGION
CHICAGO, ILLINOIS, AUGUST 24, 25, 26, 1982

RESOLUTION: No. 394 (Wisconsin)

COMMITTEE: Veterans Affairs and Rehabilitation

SUBJECT: Sponsor and support legislation to restore the payment of burial allowance; and to increase the burial allowance for veterans to $400 plus the $150 plot allowance

WHEREAS, the authorization for payment of burial allowance upon the death of a nonservice-connected veteran originated with the enactment of the "World War Veterans Act of 1924", Public No. 242 - 68th Congress; and

WHEREAS, the purpose of such allowance is to enable the survivors or next of kin of the deceased veteran to arrange a funeral and burial consistent with the dignity and esteem in which war veterans are held; and

WHEREAS, burial allowance has been payable regardless of the income or social standing of the veteran at the time of death, consistent with The American Legion's philosophy of equal benefits for equal service; and

WHEREAS, Congress has adopted and the President has signed legislation to eliminate this benefit for most beneficiaries; and

WHEREAS, funeral expenses have increased considerably since the payment of burial allowance was increased from $150 to $300 as authorized by Congress; and

WHEREAS, The American Legion rejects the proposition that the burial allowance provided to veterans through the Veterans Administration duplicates the Social Security Burial allowance, because the Social Security burial allowance is an earned benefit to which the beneficiary has contributed through Social Security taxes, whereas the veterans burial allowance is a benefit provided in recognition of honorable service performed in the Armed Forces of the United States; and

WHEREAS, many families of veterans are in poor financial circumstances, having little or no means to provide a decent and respectable funeral for the veterans to which they are justly entitled; now, therefore, be it

RESOLVED, by The American Legion in National Convention assembled in Chicago, Illinois, August 24, 25, 26, 1982, that The American Legion sponsor and support legislation to amend title 38, United States Code, to restore the payment of burial allowance for all veterans who have served honorably in time of war or national emergency; and, be it further

RESOLVED, that The American Legion oppose any effort to associate with or substitute the veterans burial allowance with the Social Security burial allowance; and, be it finally

RESOLVED, that The American Legion sponsor and support legislation to increase the burial allowance for veterans to $400 plus the $150 plot allowance.

SIXTY-FIFTH ANNUAL NATIONAL CONVENTION OF THE AMERICAN LEGION
SEATTLE, WASHINGTON, AUGUST 23, 24, 25, 1983

RESOLUTION: No. 218 (Illinois)

COMMITTEE: Veterans Affairs and Rehabilitation

SUBJECT: Sponsor and support legislation to increase the present burial plot allowance for veterans from $150 to $250

WHEREAS, national cemeteries are not always located near centers of population, thus precluding many veterans from utilizing them; and

WHEREAS, the majority of veterans desire to be buried in either family burial plots or in cemeteries located nearest their homes; and

WHEREAS, the cost of burial plots has increased considerably during recent years; and

WHEREAS, The American Legion perceives that many families of veterans have limited means to provide for the purchase of an appropriate burial site; now, therefore, be it

RESOLVED, by The American Legion in National Convention assembled in Seattle, Washington, August 23, 24, 25, 1983, that The American Legion sponsor and support legislation to increase the present burial plot allowance for veterans from $150 to $250.

STATEMENT OF
DAVID W. GORMAN
ASSOCIATE DEPUTY NATIONAL LEGISLATIVE DIRECTOR
DISABLED AMERICAN VETERANS
BEFORE THE
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
OF THE
HOUSE COMMITTEE ON VETERANS AFFAIRS
AND THE
SENATE COMMITTEE ON VETERANS AFFAIRS
NOVEMBER 16, 1983

MR. CHAIRMAN AND MEMBERS OF THE HOUSE AND SENATE VETERANS AFFAIRS COMMITTEES:

On behalf of the more than 812,000 members of the Disabled American Veterans, may I say that we deeply appreciate this opportunity to express our views on the subject of the adequacy of the Veterans Administration's standards and procedures with respect to the funeral and burial services provided for veterans whose remains are unclaimed at VA Medical Centers.

Initially, Mr. Chairman, I wish to commend you and the members of the Committees for the prompt manner in which this hearing was scheduled following the unfortunate events of September 12, 1983. Of course, I am referring to the recent, widely publicized interment of honorably discharged Navy veteran Albert W. Reynolds at Quantico National Cemetery, Quantico, Virginia.

As everyone, we in the DAV were appalled to learn that the remains of this veteran were brought by a private funeral home to the cemetery in a "flexible" or cardboard container. Had this situation not been brought to the attention of appropriate officials by a concerned employee of the Quantico National Cemetery, the facts would have remained unknown, thus permitting similar type caskets to be used in future interments.

Mr. Chairman, we are aware that VA Administrator Harry N. Walters expressed his outrage upon being informed of this situation and took immediate steps to issue a firm set of standards for future burials.

The new standards issued on October 18, 1983 to all contracting officials require:

> When purchasing caskets for the burial of veterans...(who die while receiving care in a VA health facility and the remains are unclaimed)...such caskets shall, as a minimum, be constructed from thick, strong particle board and must be of sufficient strength to support the weight of an adult human body. Cardboard or press paper or similar materials are not, repeat not, acceptable.

Mr. Chairman, while these standards are explicit concerning the types of caskets to be utilized for the burial of veterans, they do not, standing alone, alleviate the situation.

For many years, the VA has had established procedures to be employed in the procurement of mortuary services. These are contained in Veterans Administration Department of Medicine and Surgery Manual M-1, Part I, Chapter 14. The purpose of this operational manual is to set forth and disseminate information relating to policies and mandatory procedures governing operational activities of the Department of Medicine and Surgery.

Under these procedures, when the remains of a deceased patient are unclaimed and the deceased left no specific interment instructions, the Chief of the Supply Division is required to procure mortuary services under a contractual agreement.

The contracting officer will then designate the Chief of Medical Administration, or his representative, to be responsible for the inspection and certification of the mortuary services performed, including the casket and other materials purchased under the contractual agreements.

From the above, Mr. Chairman, it is apparent that the Administration has established procedures for the inspection of mortuary services performed by private funeral homes, including the materials (caskets) used for interment purposes.

At the time of Mr. Reynold's interment, September 12, 1983, VA regulations did not specifically prohibit the furnishing of a cardboard casket. However, in view of the above cited procedures, it seems reasonable to conclude that such a casket would have been deemed totally unacceptable for the purpose intended.

That is to say, if established procedures had been followed--and in this case, we suspect they were not--the VA employee responsible for inspecting the materials furnished should have prohibited the use of such a casket as ethically and morally unacceptable.

Mr. Chairman, while the issuance of new standards should reduce the likelihood of such an incident occurring in the future, the only measure that will indeed provide such assurance is strict compliance with established VA inspection procedures.

We would urge VA Central Office officials to reinforce the need to comply with established procedures at all facilities charged with the responsibility of securing mortuary services.

This concludes my statement, Mr. Chairman. Again, I wish to thank you and the members of the Veterans Affairs Committees for the invitation to participate in today's proceedings.

* * *

STATEMENT OF

JOSEPH ZOLDAN
NATIONAL COMMANDER

JEWISH WAR VETERANS OF THE U.S.A.

BEFORE THE

JOINT HEARING OF THE HOUSE AND SENATE
COMMITTEES ON VETERANS' AFFAIRS

Messrs. Chairmen and Members of the House and Senate Veterans' Affairs Committees

As the National Commander of the Jewish War Veterans of the U.S.A., I appreciate this opportunity to present our views regarding services provided by the Veterans Administration for deceased veterans whose remains are unclaimed at VA medical centers. This is an issue of great importance to us and we thank the Committees for their interest.

The recent incident at Quantico National Cemetery where Veteran Albert W. Reynolds was interred in a cardboard casket demonstrated the need for a congressional hearing on the adequacy of the VA's funeral and burial practices for indigent veterans. We are pleased that VA Administrator Harry Walters took the first step by announcing new standards for caskets the VA provides to inter unclaimed remains. These standards, which forbid the future procurement of cardboard caskets and stipulate as a minimum the use of caskets made of strong particle board, are important for ensuring a dignified burial for indigent veterans.

It should be assumed that men and women who have served honorably in the armed forces of our country during their lifetime should be afforded, without question, a dignified burial upon their death. We also believe, however, that when a veteran dies at a VA hospital and no one claims the body, the deceased should be given an honorable burial in accordance with his or her religious convictions.

The Veterans Administration has been deficient in providing veterans with proper religious interment ceremonies. In the Jewish faith, the most important part of the funeral ceremony is the committal service which must be performed by a Rabbi. If an individual wishes to be buried as a Jew, the performance of this sacred rite is imperative to ensuring a proper, dignified burial. What is clearly needed for all veterans, is a mandate whereby religious functionaries are consulted, prior to burial, to provide the deceased veteran with whatever is necessary to fulfill his or her religious convictions.

Upholding the religious convictions of deceased veterans should be a paramount concern when preparing the funeral and burial service. Preparation for burial of Jewish individuals differs in several ways from religious practices of other denominations. For example, Jewish law mandates that burial occur within 24 to 48 hours of death. Most orthodox and many conservative Jews are embalmed only to the degree dictated by law and not buried in suits or dresses, but in shrouds (sheets). In addition, Jewish law states that a body should be interred in a plain wooden casket with a simple, basic design.

It is with these considerations in mind that we urge action to provide for a religious ceremony of the faith of the deceased veteran to be held, thereby ensuring that this individual is afforded an honorable burial befitting one who has served our nation. The dignity of the deceased veteran must always be maintained.

I wish to thank you for allowing us this opportunity to present our views on this important issue.

VETERANS OF FOREIGN WARS OF THE UNITED STATES

OFFICE OF THE DIRECTOR

STATEMENT OF

JAMES N. MAGILL, SPECIAL ASSISTANT
NATIONAL LEGISLATIVE SERVICE
VETERANS OF FOREIGN WARS OF THE UNITED STATES

BEFORE THE

JOINT HEARING OF THE
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES

AND

COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES SENATE

WITH RESPECT TO

ADEQUACY OF VA STANDARDS RELATING TO THE
FUNERAL AND BURIAL SERVICES PROVIDED FOR VETERANS
WHOSE REMAINS ARE UNCLAIMED AT VA MEDICAL CENTERS

WASHINGTON, D. C. NOVEMBER 16, 1983

MR. CHAIRMEN AND MEMBERS OF THE COMMITTEE AND SUBCOMMITTEE:

Thank you for the privilege of appearing before this joint meeting of these distinguished committee's to present the views of the Veterans of Foreign Wars of the United States with respect to the proper preparation and burial of the remains of veterans whose remains are unclaimed.

As you know, the VA does continue to provide a burial allowance to certain veterans; those in receipt of a pension and/or compensation, and those who die while legally hospitalized or were receiving nursing home or domiciliary care at VA expense. Normally, this $300 allowance is paid to the survivor of the veteran to be used toward the payment of a funeral and burial. Unfortunately, however, some veterans have no one to claim their body and provide a proper burial. In such cases the VA assumes this role and makes the necessary arrangements for interment. This is accomplished by the VA entering into a contract with a funeral home willing to prepare and bury the body for the $300 burial allowance. Most VA medical centers have a verbal agreement with several funeral homes who are willing to supply, on a rotating basis, such services with dignity and in accordance with VA standards. Recently, attention has been given to a particular burial where the casket containing the unclaimed remains of a veteran was in question. In addition, questions were raised as to the degree of dignity afforded the body and whether interments of this nature were the exception or the norm.

Mr. Chairmen, after consultation with our field representatives, various funeral home directors and industry administrators, the VFW believes the burial in question was an unfortunate and isolated incident. We have not been able to find any evidence which would indicate otherwise. While it is acknowledged some funeral home directors are not as conscientious in their duties as others, the entire industry should not be judged or condemned on the basis of the actions of a few. Information available to us indicates a majority of funeral home directors provide burial services that surpass minimum VA standards and that they absorb all costs which are in excess of the VA allowance.

With respect to the minimum standard requirements for the burial of a veteran whose remains are unclaimed, the VFW believes there should be no question or doubt as to what services must be performed. Relative to this we commend the VA for its recent immediate action to ensure the past unfortunate incident is not repeated by issuing instructions that only non-flexible caskets be used for interment. We have been informed a non-flexible casket, which complies with the

VA minimum standard, can be obtained for approximately $100;thus not necessitating an increase in the burial allowance. Along with the minimum casket standard, the VA may also wish to consider discontinuing the use of VA Form 60-2138 as a contract instrument in securing the services of a funeral home and adopt a more specific contract detailing the minimum requirements of such burials. This certainly would not preclude a funeral home from voluntarily exceeding the minimum standards but only help to remove any temptation to alter, negotiate or misinterpret the minimum VA requirements of any VA burial. In establishing the minimum requirements, care must also be given to be realistic in dealing with what is undoubtedly an extraordinary situation and keep the standards within the allowance ceiling.

Finally, Mr. Chairmen, to ensure veterans do receive a proper and dignified burial, inspections of the body and casket must be conducted on a routine basis without exception. Furthermore, cemetery superintendents should be instructed to conduct a final inspection of the body and casket at the time of burial and not allow a burial to proceed when there is any question of impropriety or where minimum VA standard violations are evident.

This concludes my statement. I will be happy to respond to any questions you may have.

PVA
PARALYZED
VETERANS
OF
AMERICA
CHARTERED BY THE CONGRESS OF THE UNITED STATES

STATEMENT OF
BOB MORAN, ASSOCIATE LEGISLATIVE DIRECTOR
PARALYZED VETERANS OF AMERICA
BEFORE THE
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
OF THE HOUSE COMMITTEE ON VETERANS' AFFAIRS
AND
SENATE COMMITTEE ON VETERANS' AFFAIRS
CONCERNING
V.A. BURIAL STANDARDS AND PROCEDURES
NOVEMBER 16, 1983

Mr. Chairman and Members of the Committee, on behalf of the members of Paralyzed Veterans of America I wish to thank you for the opportunity to appear before you today.

I am Bob Moran, PVA Associate Legislative Director.

I am here today to address the issue of the adequacy of the Veterans Administration's standards and procedures with respect to the funeral and burial services provided for veterans whose remains are unclaimed at VA Medical Centers.

Private funeral directors are contracted by the Veterans Administration to provide the necessary services to bury the veteran. Department of Medicine and Surgery regulations state that such contractors must embalm, dress and casket the remains.

PVA was disturbed to learn of the burial of a fellow veteran in a cardboard casket. We truly believe that this was an isolated incident which occurred here in the Nation's Capital. However, this unfortunate occurrence has gained wide media attention and, hopefully, will result in closer scrutiny of services contracted by the VA. Mr. Reynolds' burial should set in motion precedents for the handling of all veterans who pass away, so they will be buried with the dignity and respect they have earned.

While the circumstances surrounding the burial of Mr. Reynolds may have been an exceptional case, procedures to prevent further such situations must be instituted. The absence of minimum standards and lax procedures of inspection played a part in the specific tragedy.

Currently, the VA's 172 Medical Centers have approximately 500 veterans who pass away annually; whose bodies are unclaimed by family or friends. As the Nation's aging veterans place greater demands on the VA this number will probably increase. Therefore, PVA was heartened to learn of the VA's response to this incident.

A panel was appointed by the VA Administrator to investigate this incident and determine minimum standards which must be established for burial containers. A telegraphic message was sent to all field activities specifying minimum requirements, they are: "the casket as a minimum shall be constructed from thick, strong particle board and must be of sufficient strength to support the weight of an adult human body. Cardboard or pressed paper or similar materials are not, repeat, not, acceptable."

When contracting for such services, the VA should require thorough inspection so that funeral directors are fulfilling their contract or face some form of corrective action. PVA commends the swift and appropriate action taken by the VA so that in the future such an incident will not be repeated.

Thank you again Mr. Chairman and Members of the Committee, this concludes my statement and I will be glad to answer any questions that I can.

STATEMENT OF SENATOR STROM THURMOND

MR. CHAIRMAN: This morning the House and Senate Veterans' Affairs Committees consider the very important matter of ensuring dignified burials for our Nation's veterans.

This hearing is, of course, the result of recent reports involving the burial of a veteran in Quantico National Cemetery in a cardboard casket. Since those reports appeared, many have expressed their feelings of outrage over this unfortunate incident, and I would like to add to those expressions my own shock and disappointment upon learning that such a thing had occurred.

Mr. Chairman, we are assured by the Veterans' Administration that what occurred in Quantico was an insolated event. However, Administrator Walters has taken rapid action in issuing new standards that require funeral homes to use nonflexible caskets when burying veterans. I commend Mr. Walters for acting so swiftly to correct this situation.

Mr. Chairman, I look forward to the testimony that we will receive today, and I am hopeful that after hearing the testimony, we will all be convinced that the necessary steps have been taken to ensure that our veterans will receive the dignified and respectful burials which they deserve.

Statement of Senator Alan Cranston
Ranking Minority Member
Committee on Veterans' Affairs

November 16, 1983

Good morning. I would like to extend a warm welcome to all those participating in and attending this joint hearing of the House and Senate Committees on Veterans' Affairs. I regret that my schedule does not permit me to attend this hearing on the adequacy of the VA's standards and procedures with respect to the funeral and burial services provided for deceased veterans who die at VA Medical Centers and whose remains are unclaimed.

As ranking minority member of the Senate Committee, I want to join with those who expressed outrage and dismay at the manner in which a veteran was recently interred at Quantico National Cemetery. We have sought over the years to ensure that no veteran -- regardless of his or her resources -- is laid to rest in an undignified fashion. An incident such as the one that has prompted this hearing today demonstrates how constantly watchful and alert we must be not only in protecting the statutory authority for veterans' benefits but also in our oversight of the mechanisms for providing those benefits.

At this time, I also want to take the opportunity to congratulate Administrator Harry Walters for his swift and appropriate response to the problem. Too often, the wheels of bureaucracy -- as we all know -- move much too slowly and uncompassionately. That was not the case in this instance as the VA responded quickly and, in my opinion, correctly to the immediate problem.

Beyond the immediate problem, however, we are here to explore the question whether more needs to be done to ensure that an incident such as this one does not occur again. I will review very carefully the testimony presented this morning and look forward to working closely with my good friends and colleagues, Chairman Simpson in the Senate, the Chairman of the House Committee, Sonny Montgomery, and the ranking minority member of the House Committee, John Paul Hammerschmidt, and the members of both Committees in determining whether a legislative solution is needed and developing one if so. We will also, of course, continue to monitor the VA's implementation of its new guidelines.

American GI Forum
OF THE UNITED STATES
A VETERANS FAMILY ORGANIZATION

STATEMENT OF

JAKE ALARID, NATIONAL CHAIRMAN
THE AMERICAN G.I. FORUM OF THE UNITED STATES

FOR THE RECORD ON THE

JOINT HEARING OF THE

THE SUBCOMMITTEE ON OVERSIGHT AND INVISTIGATIONS
OF THE HOUSE COMMITTEE ON VETERANS' AFFAIRS

AND

THE SENATE COMMITTEE ON VETERANS' AFFAIRS

REGARDING

BURIAL BENEFITS FOR VETERANS

NOVEMBER 16, 1983

Education is Our Freedom and Freedom Should Be Everybody's Business

STATEMENT OF
JAKE ALARID, NATIONAL CHAIRMAN
THE AMERICAN G.I. FORUM OF THE UNITED STATES

Mr. Chairman and members of the Joint Committee, on behalf of the Board of Directors of the American G.I. Forum of the United States, I respectfully submit these written comments and request they be included in the hearing record regarding burial benefits for veterans.

First of all, I would like to note that these hearings are being conducted as a result of a most unfortunate incident that occurred at Quantico, Virginia, National Cemetary. As you know, on September 12, 1983, the remains of Mr. Albert W. Reynalds, a Navy World War II veteran, were buried in a cardboard casket. It was later discovered that the body was not embalmed nor propeяly clothed. Furthermore, the casket was not drapped with the American flag; even though the VA issued a flag for this purpose and the funeral home director signed a receipt for the flag.

As you are aware, the VA provides nonservice-connected death burial allowances for cetain veterans who died after October 1, 1981. Eligibility is established if the veteran was entitled at the time of death to pension or compensation (or but for the receipt of military retired pay would have been entitled to compensation). Eligibility is also established if the veteran died while hospitalized or domiciled in a VA facility or other facility at VA expense. Last year, Congress passed legislation extending eligibility in cases of certain indigent veterans whose remains are unclaimed.

As a result of the Reynalds case, it became evident that the VA lacked sufficient standards and procedures for the inspection of the morturary services and merchandise furnished in VA contracted burial services for the unclaimed remains of elegible veterans who die while receiving VA inpatient care. It also demonstrated the need for the VA to strengthen its procedures in certifying that the services and merchandise were furnished in accordance with existing standards.

Current VA regulations require burial of unclaimed remains in the nearest National Cemetery with space available. A VA contracting officer negotiates an agreement with a local funeral director to provide a funeral and burial within a $300 statutory limit. Burial services to include preparation of the body, embalming, clothing, casket and securing all necessary permits. The VA may authorize additional funds if it appears the statutory allowance is insufficient. Transportation and necessary shipping costs may also be paid by the VA.

On November 15, 1983, I had the pleasure of meeting with the Administrator of the VA, Mr. Harry N. Walters. During the meeting, we discussed the Quantico incident. Mr. Walters stated that this was an isolated incident and that it never should have happened. He noted that corrective measures were already in motion to insure that this type of situation does not occur again.

Although I am not convinced that this was a totally isolated incident, I do feel that, in general, the VA is sensitive in carrying out its responsibilities in cases involving the the type of situation that occurred at Quantico. The VA estimates that it handles about 500 similar cases per year (where a veteran dies at a VA facility and no family or friend can be found to accept the responsibility for funeral and burial arrangements). The

G.I. Forum would not recommend that the remains of these veterans be exhumed in order to determine if other such incidents have occurred. Rather, we should focus our efforts on insuring the this type of situation is not repeated in the future.

I do not believe there exists a wide spread practice among unscrupulous funeral home directors under contract with the VA. But the Quantico incident does show that there are funeral home directors who will cut corners in order to maximize their profit from the $300 allowance they receive for intering the remains of veterans when the service they provide are not properly monitored. It may also indicate that the $300 limitation is insufficiant in order to insure a proper burial, even for scrpulous funeral home directors.

As noted earlier, the VA has already taken administrative corrective actions to insure that this type of incident does not occur again. Most importantly, we now have a minimum standard for burial caskets. The VA has stipulated that burial caskets must, at a minimum, be constructed from thick, strong particle board and must be of sufficient strength to support the wieght of an adult human body. Cardboard or pressed paper or similar materials will no longer be acceptable.

At this point, it is the responsibility of the Joint Committee to determine if: 1) the VA's standards and procedures for the burial of veterans who die at VA facilities are adequate, 2) the $300 statutory limit is sufficient to provide a decent and complete funderal and burial for such veterans by funeral directors contracted to provide such services, and 3) if there is sufficient justification to warrent legislative action on this matter. The Joint Committee may also wish to take this opportunity to review VA burial benefits as they apply to all veterans.

RECOMMENDATIONS

At this time, I would like to list a few recommendations for consideartion by the members of the Joint Committee. It is recommended that:

1. Chapter 23 of Title 38, United States Code, be amended to establish minimum standards and procedures for interring the remains of veterans who die in VA Medical Centers and who have no known next of kin to accept the responsibility for funeral and burial arrangements.
2. Based on newly established standards, the Joint Committe should conduct a cost analysis to determin if the current $300 funeral and burial allowance is sufficient to cover the expenses and funeral director would normally incur.
3. If the current $300 allowance is insufficient, then it should be increased accordingly. Consideration should be given to providing funderal homes with a meaningful tax credit in lieu of an increase in the allowance.
4. The Joint Committee should review burial benefits as they apply to all veterans. In this regard, the Joint Committe should consider:
    - a. restoring the burial benifits for all war veterans who have honorably served in the Armed Forces of the U.S., and
    - b. Increasing the current $150 burial plot allowance for those veterans currently eligible to receive this benefit when, for various reasons, they are not buried in a national cemetary.

○